

FILED

In the office of the Secretary of State
of the State of California

SEP - 4 1984

At 1:40 o'clock P.M.

MARCH FONG EU, Secretary of State

By Mayrie Heschberger

Deputy Secretary of State

ORDER OF REPEAL

GOVERNMENT CODE SECTION 11349.6 (b)

The adoption of sections 30-109.1, 30-109.11, 30-109.12, 30-109.13, 30-109.14 and 30-109.15 and the amendment of sections 30-186 and 30-186.1 of the Manual of Policies and Procedures, which were adopted by the Department of Social Services as emergency regulations on April 3, 1984, and filed with the Secretary of State on April 20, 1984, are hereby repealed pursuant to Government Code section 11349.6(b).

The adoption of sections 30-109.11, 30-109.12, 30-109.13, 30-109.14 and 30-109.15 have been repealed because they do not meet the necessity standard of Government Code section 11349.1(a)(1). The adoption of sections 30-109.1, 30-109.11 and 30-109.12 and the amendment of sections 30-186 and 30-186.1 have been repealed because they are unclear and fail to comply with the clarity standard set forth in Government Code section 11349.1(a)(3). Additionally, sections 30-109.12 and 30-109.14 have been repealed because they are inconsistent with existing statutes and other provisions of law and fail to comply with Government Code section 11349.1(a)(4). Each regulation has additionally been repealed because the rulemaking file does not contain data submitted to the Department in connection with the adoption and amendment of the regulations as required by Government Code section 11347.3(a)(5).

DATED: September 4, 1984.



LINDA STOCKDALE BREWER
Director

ENDORSED

APPROVED FOR RECORDS

SEP 4 1984

Office of Administrative Law

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

ORD # 384-11

SEP 10 1984

APPROVED AND FILED
AUG 25 1984

SEP 25 1984

Office of Administrative Law
LEAVE BLANK

1. ATTACHED ARE REGULATIONS ADOPTED,
AMENDED OR REPEALED BY:

Department of Social Services

(AGENCY)

BY:

Jinda S. McNaull
(AGENCY OFFICER AUTHORIZED TO SUBMIT REGULATIONS)840810-4
In the office of the Secretary of State
of the State of CaliforniaSEP 25 1984
At 4:15 o'clock M.

MARCH FONG EU, Secretary of State

By *Cathleen Paluck*
Deputy Secretary of State

LEAVE BLANK

AGENCY CONTACT PERSON AND POSITION

Harry Baertschi, Analyst

TELEPHONE 5-7054

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

SECTIONS AMENDED MPP 48-001, 48-003 and 48-005

Title: _____

SECTIONS ADOPTED

SECTIONS REPEALED

3. TYPE OF ORDER (CHECK ONE)

 Regular Emergency
(Attach Finding of Emergency) Certificate of Compliance

Other Regulatory Actions:

 Procedural and Organizational Change Editorial Correction Authority and Reference
Citation Change

4. IS THIS ORDER A RESUBMITTAL OF A PREVIOUSLY DISAPPROVED OR WITHDRAWN REGULATION?

 No Yes, if yes give date of previous filing _____

5. IS THIS FILING A RESULT OF THE AGENCY'S REVIEW OF EXISTING REGULATIONS?

 No Yes6. IF THESE REGULATIONS REQUIRED PRIOR REVIEW AND APPROVAL BY ANY OF THE FOLLOWING AGENCIES,
CHECK THE APPROPRIATE BOX OR BOXES. State Fire Marshal Building Standards Comm. Fair Political Practices Comm. Department of Finance
(Attach Approval) (Attach Approval) (Include FPPC Approval Stamp) (Attach STD. Form 399)7a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER

June 1, 1984

b. DATE OF ADOPTION OF REGULATION(S)

August 28, 1984

c. DATES OF AVAILABILITY OF MODIFIED
REGULATION(S) (GOV. CODE SEC. 11346.8(c))

8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR?

 No Yes9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTIONS
ON REVERSE)a. Effective 30th day after filing with the Secretary of State.b. Effective on _____ as required by statutes: (list) _____c. Effective on _____ (Designate effective date earlier than 30 days after filing with the Secretary of State pursuant to Government Code Section 11346.2(d).) Request Attachedd. Effective on _____ (Designate effective date later than 30 days after filing with the Secretary of State.)

Renumber and Amend Section 48-001 to read:

DIVISION 48 RECORDS

CHAPTER 48-000 RECORDS-GENERAL

48-001 COUNTY DEPARTMENT RESPONSIBILITY FOR RECORDS 48-001

.1 The county is responsible for shall maintaining a record for each applicant and recipient which identifies each individual and family, their address and household composition. For AFDC, the record shall identify each child and his/her parents, their address and household composition. For B&S and AFDC responsible relatives shall be identified. (See Section 20-005 on record requirements for fraud cases.) The record shall also include:

.11 Records - Eligibility and Grant

- .111 The appropriate Form CA 2 completed by or on behalf of the applicant. When further inquiry has been necessary to clarify the applicant's statement of facts or to reconcile conflicts or inconsistencies, the results of such inquiry shall be recorded in the margin of the Form CA-2 or in the case records. (See Section 20-501-2)
- .112 All evidence obtained to support the linking and the nonlinking factors of eligibility. The county may maintain a copy or a written record of the type of evidence and its pertinent content if where the evidence has been returned to the applicant.
- .113 The original or a copy of pertinent forms completed during the determination or redetermination of eligibility, i.e., budget work sheets, authorizations, forms relating to intercounty transfers, etc.
- .114 The basis for county action granting, denying, changing, suspending, delaying, withholding, cancelling, or discontinuing aid.
- .115 The computation of any overpayment and the basis for a conclusion that the overpayment is or is not subject to adjustment or repayment. If the

overpayment is subject to repayment, a copy of any demands for repayment, the facts regarding the determination of the debtor's ability to repay and collection activity (unless this information is recorded centrally elsewhere).

- 116 The worker's evaluation of the applicant's apparent ability or inability to understand interpretation given to him with respect to his/her program rights and responsibilities.

•12 Records - Intraprogram Status Change

- 121 A record of any intraprogram status change as provided in Section 40-183e. Intraprogram Status Change and the basis therefore as well as the basis for the determination of the program (AS or APSB) which is more appropriate for the applicant or recipient.

•13 Records - Care in a Medical Institution

- 131 For the recipient who is a patient in a public or private medical institution, all pertinent information to support the determination of eligibility or ineligibility. (Chapter 42-500.)

•14 Case Records - Certification for Medi-Cal

- 141 A record of the certification and each recertification of the recipient for medical care under the Medi-Cal Program.

•15 Case Records - Narrative

- 151 Each notation or entry in the case record whether it be on a form or supplemental narrative is to shall be dated and the person making the entry shall be identified.

•6 See Section 45-424 on recording requirements for eligibility control cases.

Authority: Welfare and Institutions Code Sections 10553 and 11209.

Reference: Welfare and Institutions Code Section 10851.

Number and amend Section 48-003 to read:

48-003 RETURN OF PERSONAL DOCUMENTS

48-003

•1 Personal documents shall be returned to the applicant after the pertinent information has been copied or recorded.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Section 10554.

Number and Amend Section 48-005 to read:

48-005 ASSIGNMENT OF STATE NUMBERS

48-005

•1 A state number shall be assigned to each application. (See Sections 23-250~~f~~ and 23-275~~a~~.)

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Sections 10554 and 10851.

INSTRUCTIONS FOR STD 400 (OAL-4)

A completed Face Sheet for Filing Regulations With the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer authorized to submit regulations.

Part 1. Provide agency name and signature of the agency officer. Also provide the name and telephone number of the person who can answer questions regarding this regulatory filing.

Part 2. Provide the Administrative Code Title in which the regulation will appear and list each section number to be amended, adopted, or repealed.

(Attach additional sheets if necessary.)

Part 3. Check appropriate box. If other than a regular or emergency filing or certificate of compliance, check the appropriate box under "Other Regulatory Action." Note: Procedural and organizational changes, editorial corrections and authority and reference citation changes are reviewed and are subject to OAL approval.

Part 4. Check appropriate box.

Part 5. Regulatory activity resulting from the agency's review of existing regulations should be submitted in a separate filing. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.

Part 6. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:

- a. Fire and panic safety regulations (Gov. Code Sec. 11342.3).
- b. Building standards as defined in Section 18969 of the Health and Safety Code (Gov. Code Sec. 11343).
- c. Conflict of Interest regulations (Gov. Code Sec. 87300 et seq.).

Note: Regulations that have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts should be discussed with the Department of Finance. See Government Code Sections 11346.5(a) (6), 11349.1 and S.A.M. Sections 6050–6057.

Part 7. a. Provide the publication date of the Notice Register in which the initial notice regarding these regulations appeared.

- b. Provide the date on which the regulatory agency adopted the regulation(s).
- c. If the regulations were modified subsequent to the hearing or written comment period, provide the date the modified regulations were made available to the public. Note that this date must be at least 15 days prior to the date indicated in (b.) above.

Part 8. Check appropriate box. This information is for statistical purposes.

Part 9. Effective Dates—check one of the following:

- a. If regulations are to be effective 30 days after filing with the Secretary of State.
- b. If an effective date other than (a.) is required by statute, provide the date and the statutory citation(s).
- c. If a designated effective date is being requested, please include a letter specifying the date the regulation(s) should take effect and the reason for the earlier effective date. Requests are granted by OAL for good cause shown.
- d. If an effective date later than (a.) is requested, provide the date.

Filing Requirements

The following material must be submitted when filing regulations with OAL:

- Seven (7) copies of the regulations. Note: Use underline/strikeout to indicate changes in an existing section. Repeal of an entire section may be indicated by placing a diagonal slash through text. For adoption of new section, underscore is not required.
- A completed Face Sheet for Filing Regulations With the Office of Administrative Law, form STD 400 (OAL-4) attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Government Code Section 11347.3 for full list of rulemaking file contents and Appendix 13 of OAL Regulations Handbook for a rulemaking file checklist.)

CERTIFICATE OF COMPLIANCE - Section 11346.1(e), Government Code

The Department of Social Services hereby certifies that it has complied with the provisions of Sections 11346.4 through 11346.8 inclusive of the Government Code, within 120 days of the effective date of the following emergency regulations which were filed with the Secretary of State on April 30, 1984, and which became effective on April 30, 1984.

<u>Amended</u>	<u>Adopted</u>	<u>Repealed</u>
30-753(y)	30-753(aa)	30-753(a)
30-758.2	30-759.7	30-759.7 and .71
	30-763.241(a)	30-763.241(a),(b),(c), through (f) (d), and (e).
	30-763.5	

No Amendments or repealers resulted from the public hearing held on July 18, 1984.



LINDA S. MCMAHON
Director

8/27/84

Date

Repeal Subsection 30-753(a) and reletter remaining subsections; amend relettered Subsection 30-753(y); and adopt new Subsection 30-753(aa) to read:

30-753 SPECIAL DEFINITIONS

30-753

f **a** **bte and Available Spouse** means a member of a married couple as determined by SSI/SSP eligibility criteria who lives with the recipient and who is not in need of IHSS.

f **b** **(a) Base Rate** means the amount of payment per unit of work before any premium is applied for overtime or related extraordinary payments.

f **c** **(b) County Plan** means the annual plan submitted to the State Department of Social Services specifying the method of IHSS delivery to meet program objectives, conditions, and fiscal limitations. This plan shall be amended if the county or state determines expenditure levels or trends require program modification.

f **d** **(c) CRT or Cathode Ray Tube** means a device commonly referred to as a terminal which is used to enter data into the IHSS payrolling system.

f **e** **(d) CRT County** means a county in which one or more CRT's have been located allowing the county to enter its data directly into the payrolling system.

f **f** **(e) Deeming** means procedures by which the income and resources of certain relatives, living in the same household as the recipient, are determined to be available to the recipient for the purposes of establishing eligibility and share of cost.

f **g** **(f) Employee** means the provider of IHSS under the individual delivery method as defined in Section 30-767.13.

f **h** **(g) Employer** means the recipient of IHSS when such services are purchased under the individual delivery method as defined in Section 30-767.13.

f **i** **(h) Equity Value** means a resource's current market value after subtracting the value of any liens or encumbrances against the resources which are held by someone other than the recipient or his/her spouse.

f **j** **(i) Essential Services** means:

- (1) Nonmedical personal services.
- (2) Paramedical services.
- (3) Protective supervision.
- (4) Snow removal, when appropriate.
- (5) Meal preparation.

~~tkt~~(j) Hours Worked means the time during which the provider is subject to the control of the recipient, and includes all the time the provider is required or permitted to work, exclusive of time spent by the provider traveling to and from work.

~~tkt~~(k) Housemate means a person who shares a living unit with a recipient. An able and available spouse or a live-in provider is not considered a housemate.

~~tkt~~(l) Landlord/Tenant Living Arrangement means a shared living arrangement considered to exist when one housemate, the landlord, allows another, the tenant, to share housing facilities in return for a monetary or in-kind payment for the purpose of augmenting the landlord's income. A landlord/tenant arrangement is not considered to exist between a recipient and his/her live-in provider. Where housemates share living quarters for the purpose of sharing mortgage, rental, and other expenses, a landlord/tenant relationship does not exist, though one housemate may customarily collect the payment(s) of the other housemate(s) in order to pay mortgage/rental payments in a lump sum.

~~tkt~~(m) Licensed Health Care Professional means a person who is a physician, chiropractor, podiatrist or dentist as defined and authorized to practice in this state in accordance with the California Business and Professions Code.

~~tkt~~(n) Live-In Provider means a provider who is not related to the recipient and who lives in the recipient's home expressly for the purpose of providing IHSS-funded services.

~~tkt~~(o) Minor means any person under the age of eighteen.

~~tkt~~(p) Net Nonexempt Income means income remaining after allowing all applicable income disregards and exemptions.

~~tkt~~(q) Nonessential Service means:

- (1) All domestic services.

- (2) Heavy cleaning.
- (3) Related services except meal preparation.
- (4) Transportation services.
- (5) Teaching and demonstration services.
- (6) Yard hazard abatement, with the exception of snow removal.

tst(r) Out-of-Home Care Facility means a housing unit other than the recipient's own home, as defined in (t) below. Medical out-of-home care facilities include acute care hospitals, skilled nursing facilities, and intermediate care facilities. Nonmedical out-of-home care facilities include community care facilities and homes of relatives which are exempt from licensure, as specified in Section 46-325.5, where recipients are certified to receive board and care payment level from SSP.

tst(s) Own Home means the place in which an individual chooses to reside. An individual's "own home" does not include an acute care hospital, skilled nursing facility, intermediate care facility, community care facility, or a board and care facility. A person receiving an SSI/SSP payment for a nonmedical out-of-home living arrangement is not considered to be living in his/her own home.

tst(t) Paper County means a county which sends its data in paper document form for entry into the payrolling system to the IHSS payrolling contractor.

tst(u) Payment Period means the time period for which wages are paid. There are two payment periods per month corresponding to the first of the month through the fifteenth of the month and the sixteenth of the month through the end of the month.

tst(v) Payrolling System means a service contracted for by the state with a vendor to issue paychecks to individual providers of IHSS; to withhold the appropriate employee taxes from the provider's wages; to calculate the employer's taxes; and to prepare and file the appropriate tax return.

tst(w) Personal Attendant means a provider who is employed by the recipient and, as defined by 29 CFR 552.6, who spends at least eighty percent of his/her time in the recipient's employ performing the following services:

- (1) Preparation of meals, as provided in Section 30-757.131.

- (2) Meal clean-up, as provided in Section 30-757.132.
- (3) Planning of menus, as provided in Section 30-757.133.
- (4) Consumption of food, as provided in Section 30-757.14(c).
- (5) Routine bed baths, as provided in Section 30-757.14(d).
- (6) Bathing, oral hygiene and grooming, as provided in Section 30-757.14(e).
- (7) Dressing, as provided in Section 30-757.14(f).
- (8) Protective supervision, as provided in Section 30-757.17.

ttyx Recipient means a person receiving IHSS, including applicants for IHSS when clearly implied by the context of the regulations.

ttyy Severely Impaired Individual means an individual recipient with a total assessed need, as specified in Section 30-763.26, for twenty 20 hours or more per week of service in one or more of the following areas:

- tty** Routine bodily functions limited to:
 - tA) Bowel and bladder care limited to the nonmedical services specified in Section 30-757.14(ta).
 - tB) Respiration limited to the nonmedical services specified in Section 30-757.14(tb).
 - tC) Routine menstrual care limited to those services specified in Section 30-757.14(tj).
- tD) Dressings as specified in Section 30-757.14(tf).
- tE) Meal preparation as specified in Section 30-757.14(tg).
- tF) Consumption of food as specified in Section 30-757.14(te).
- tG) Moving into and out of bed as specified in Section 30-757.14(th).
- tH) Routine bed baths as specified in Section 30-757.14(td).
- tI) Ambulation as specified in Section 30-757.14(tk).
- tJ) Paramedical services as specified in Section 30-757.19.

- (1) Any nonmedical personal service listed in Section 30-757.14.
- (2) Preparation of meals and meal cleanup when assistance with consumption of food is required.
- (3) Paramedical services.

(aa) Shared Living Arrangement means a situation in which one or more recipients reside in the same living unit with one or more persons. A shared living arrangement does not exist if a recipient is residing only with his/her able and available spouse.

(aa) Spouse means a member of a married couple or a person considered to be a member of a married couple for SSI/SSP purposes.

(bb) SSI/SSP means the Supplemental Security Income and State Supplementary Program administered by the Social Security Administration of the United States Department of Health and Human Services in California.

(cc) Substantial Gainful Activity means work activity that is considered to be substantial gainful activity under the applicable regulations of the Social Security Administration, 20 CFR 416.932 through 416.934. Substantial work activity involves the performance of significant physical or mental duties, or a combination of both, productive in nature. Gainful work activity is activity for remuneration or profit, or intended for profit, whether or not profit is realized, to the individual performing it or to the persons, if any, for whom it is performed, or of a nature generally performed for remuneration or profit.

(dd) Substitute Payee means an individual who acts as an agent for the recipient.

(ee) Turnaround Timesheet means a three-part document issued by the state payrolling contractor consists of the paycheck, the statement of earnings, and the timesheet to be submitted for the next pay period.

Authority: Welfare and Institutions Code Sections 10553 and 12301.1.

Reference: Welfare and Institutions Code Sections 12301 and 12304.

Amend Section 30-758.2 to read:

30-758 TIME PER TASK AND FREQUENCY STANDARDS

30-758

- .2 Counties shall have the authority to develop and use time per task and frequency standards for other services*, except:**
 - .21 nonmedical personal services, Section 30-757.14.**
 - .22 meal preparation, Section 30-757.131.**
 - .23 meal clean-up, Section 30-757.132.**
 - .24 paramedical services, Section 30-757.19.**

Authority: Welfare and Institutions Code Sections 10553 and 12301.1.

Reference: Welfare and Institutions Code Section 12301.2.

Repeal Subsections 30-759.7 and .71; and adopt new Subsection 30-759.7 to read:

30-759 APPLICATION PROCESS (Continued)

30-759

- 7 Notices of Action: A notice of action shall be sent to recipients as provided in Section 10-116. For the IHSS program they are required whenever services to a client are approved, denied, changed, or terminated. The Notice of Action shall be on a form developed or approved by the Department. A copy of the notice of action shall be in the case records.
- 7^t Approval notices shall list the beginning date of services, the amount of the IHSS money to be paid to the recipient, the recipient's share of cost if any, shall itemize any amounts deducted from the IHSS payment, shall itemize the number of hours, either per month or per week for each IHSS service authorized, and the total hours of service authorized per month.
- 7 A written notice of action containing information on the disposition of the request for service shall be sent to the applicant in accordance with MPP Sections 10-116 and 30-763.5.

Authority: Welfare and Institutions Code Sections 10553 and 12301.1.

Reference: Welfare and Institutions Code Section 12300.2.

Amend Subsection 30-763.1 and adopt new Subsection 30-763.14 to read:

30-763 NEEDS ASSESSMENT PROCESS

30-763

- .1 The needs assessment process consists of three four steps:**
 - .11 determination of the total need for IHSS services,**
 - .12 identification of available alternative resources, and**
 - .13 determination of services which shall be purchased by IHSS*, and**
 - .14 notification of recipient.**

Authority: Welfare and Institutions Code Sections 10553 and 12301.1.

Reference: Welfare and Institutions Code Section 12300.2.

Repeal Subsections 30-763.241(a), (b), (c), (d), and (e); and adopt new Subsections 30-763.241(a), (b), (c), (d), (e), and (f) to read:

30-763 NEEDS ASSESSMENT PROCESS (Continued)

30-763

.2 Determination of the total need for IHSS services. (Continued)

.24 Exceptions when assessing needs in shared living arrangements:

.241 Able and Available Spouse

fet A non-IHSS applicant/recipient spouse shall be presumed able unless he/she provides medical verification of his/her inability to perform specific IHSS tasks.

fb† An able applicant/recipient spouse shall be presumed available unless he/she is out of the home for employment or health reasons, or for other unavoidable reasons, during times which, in the county's judgment, the following services must be provided:

f1† Meal preparations

f2† Transportations.

f3† Protective supervision*

fet If the applicant or recipient has an able and available spouse, there shall be no determination of need for the following services, except as provided in fb† above and fet below:

f1† Domestic*

f2† Related*

f3† Yard hazard abatement*

f4† Teaching and demonstrations*

f5† Protective supervision*

f6† Transportations*

77 Heavy Cleaning

- (d) The need for paramedical and nonmedical personal services shall be determined in accordance with the provisions of Section 30-76½.
- (e) When an available spouse is able to perform some or not all of the services specified in (e) above the county shall have the authority to authorize only those services the spouse is unable to perform consistent with the other provisions of this Division:
- (a) When an IHSS recipient has a spouse who does not receive IHSS, the spouse shall be presumed able to perform certain specified tasks unless he/she provides medical verification of his/her inability to do so.
- (b) An able spouse of an IHSS recipient shall be presumed available to perform certain specified tasks except during those times he/she is out of the home for employment, health or for other unavoidable reasons and the service must be provided during his/her absence.
- (c) When the recipient has an able and available spouse there shall be no payment to the spouse or any other provider for the following services as described in 30-757:
- (1) Domestic
- (2) Related Services
- (3) Yard Hazard Abatement
- (4) Teaching and Demonstration
- (5) Heavy Cleaning
- (d) When an able spouse is not available because of employment, health, or other unavoidable reasons, a provider may be paid for the following services only if they must be provided during the spouse's absence:
- (1) Meal Preparation

(2) Transportation

(3) Protective Supervision

(e) An able and available spouse or other provider may be paid for providing:

(1) Nonmedical personal services

(2) Paramedical service

(f) In addition to those services listed in (e) above, a spouse may be paid to provide the following services when he/she leaves full-time employment or wishes to seek employment but is prevented from doing so because no other suitable provider is available:

(1) Transportation

(2) Protective Supervision

Authority: Welfare and Institutions Code Sections 10553 and 12301.1.

Reference: Welfare and Institutions Code Section 12301.

Adopt new Section 30-763.5 to read:

30-763 NEEDS ASSESSMENT PROCESS (Continued)

30-763

.5 Notice of Action

- .51 Whenever an IHSS needs assessment is completed the recipient shall be sent a notice of action in accordance with the requirements of MPP 10-116 and 30-759.7. In addition to the information required in 10-116, the notice shall include:**
- .511 a description of each task for which need is assessed.**
- .512 the number of hours authorized for the completion of the task.**
- .513 identification of hours for tasks increased or decreased and the difference from previous hours authorized.**

Authority: Welfare and Institutions Code Sections 10553 and 12301.1.

Reference: Welfare and Institutions Code Section 12301.

FACE SHEET
(OAL-4)

84-0927-3
(See Instructions on Reverse)

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

ORD # 0884-37

SEP 27 2 53 PM '84

ADMINISTRATIVE LAW
ENDORSED
APPROVED FOR FILING

SEP 27 1984

Office of Administrative Law
LEAVE BLANK

1. ATTACHED ARE REGULATIONS ADOPTED,
AMENDED OR REPEALED BY:

State Department of Social Services

(AGENCY)

BY:

Linda S. McMahon

(AGENCY OFFICER AUTHORIZED TO SUBMIT REGULATIONS)

FILED
In the office of the Secretary of State
of the State of California

SEP 27 1984
At 4:55 o'clock P.M.
MARCH FONG EU, Secretary of State
By Margie Bushberger
Deputy Secretary of State

LEAVE BLANK

AGENCY CONTACT PERSON AND POSITION

Jerry Demorest or Diane Moritz Glazer, Regulations Analysts

TELEPHONE

445-0313

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

SECTIONS AMENDED 40-181.234(a); 42-211.253; 42-213.2(d); 43-201.3, .328-.33; 44-101.32

Title: _____
(et seq.) and .527; 44-111.21, .224, .232(a), .24, .3(c)(1); 44-113.211, .214, (cont.)
SECTIONS ADOPTED

42-213.11(k) and .2(k); 44-113.624; 44-111.24 and .47; and 44-113.217

SECTIONS REPEALED

44-101.32 Introductory Paragraph, .321, .323 and .324

3. TYPE OF ORDER (CHECK ONE)

Regular

Emergency
(Attach Finding of Emergency)

Certificate of Compliance

Other Regulatory Actions:

Procedural and Organizational
Change

Editorial Correction

Authority and Reference
Citation Change

4. IS THIS ORDER A RESUBMITTAL OF A PREVIOUSLY DISAPPROVED OR WITHDRAWN REGULATION?

No

Yes, if yes give date of previous filing _____

5. IS THIS FILING A RESULT OF THE AGENCY'S REVIEW OF EXISTING REGULATIONS?

No

Yes

6. IF THESE REGULATIONS REQUIRED PRIOR REVIEW AND APPROVAL BY ANY OF THE FOLLOWING AGENCIES,
CHECK THE APPROPRIATE BOX OR BOXES.

State Fire Marshal
(Attach Approval)

Building Standards Comm.
(Attach Approval)

Fair Political Practices Comm.
(Include FPPC Approval Stamp)

Department of Finance
(Attach STD. Form 399)

7a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER

b. DATE OF ADOPTION OF REGULATION(S)

c. DATES OF AVAILABILITY OF MODIFIED
REGULATION(S) (GOV. CODE SEC. 11346.8(c))

September 27, 1984

8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR?

No

Yes

9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTIONS
ON REVERSE)

a. Effective 30th day after filing with the Secretary of State.

b. Effective on October 1, 1984 as required by statutes: (list) Government Code Section 11346.1(d)
and Stats 1984, Chapter 1447, Section 14

c. Effective on _____ (Designate effective date **earlier than** 30 days after filing with the Secretary
of State pursuant to Government Code Section 11346.2(d).)

Request Attached

d. Effective on _____ (Designate effective date **later than** 30 days after filing with the Secretary of
State.)

INSTRUCTIONS FOR STD 400 (OAL-4)

A completed Face Sheet for Filing Regulations With the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer authorized to submit regulations.

Part 1. Provide agency name and signature of the agency officer. Also provide the name and telephone number of the person who can answer questions regarding this regulatory filing.

Part 2. Provide the Administrative Code Title in which the regulation will appear and list each section number to be amended, adopted, or repealed.

(Attach additional sheets if necessary.)

Part 3. Check appropriate box. If other than a regular or emergency filing or certificate of compliance, check the appropriate box under "Other Regulatory Action." Note: Procedural and organizational changes, editorial corrections and authority and reference citation changes are reviewed and are subject to OAL approval.

Part 4. Check appropriate box.

Part 5. Regulatory activity resulting from the agency's review of existing regulations should be submitted in a separate filing. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.

Part 6. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:

- a. Fire and panic safety regulations (Gov. Code Sec. 11342.3).
- b. Building standards as defined in Section 18969 of the Health and Safety Code (Gov. Code Sec. 11343).
- c. Conflict of Interest regulations (Gov. Code Sec. 87300 et seq.).

Note: Regulations that have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts should be discussed with the Department of Finance. See Government Code Sections 11346.5(a) (6), 11349.1 and S.A.M. Sections 6050–6057.

Part 7. a. Provide the publication date of the Notice Register in which the initial notice regarding these regulations appeared.

b. Provide the date on which the regulatory agency adopted the regulation(s).

c. If the regulations were modified subsequent to the hearing or written comment period, provide the date the modified regulations were made available to the public. Note that this date must be at least 15 days prior to the date indicated in (b.) above.

Part 8. Check appropriate box. This information is for statistical purposes.

Part 9. Effective Dates—check one of the following:

- a. If regulations are to be effective 30 days after filing with the Secretary of State.
- b. If an effective date other than (a.) is required by statute, provide the date and the statutory citation(s).
- c. If a designated effective date is being requested, please include a letter specifying the date the regulation(s) should take effect and the reason for the earlier effective date. Requests are granted by OAL for good cause shown.
- d. If an effective date later than (a.) is requested, provide the date.

Filing Requirements

The following material must be submitted when filing regulations with OAL:

- Seven (7) copies of the regulations. Note: Use underline/strikeout to indicate changes in an existing section. Repeal of an entire section may be indicated by placing a diagonal slash through text. For adoption of new section, underscore is not required.
- A completed Face Sheet for Filing Regulations With the Office of Administrative Law, form STD 400 (OAL-4) attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Government Code Section 11347.3 for full list of rulemaking file contents and Appendix 13 of OAL Regulations Handbook for a rulemaking file checklist.)

Sections Amended Continued:

44-113.217, .218, .22 and .7; 44-133.31, .631(a), .91, .93; 44-207.113, .121, .2, .21, .211 and .22; and 44-352.121

(1) Amend MPP Section 40-181.243(a) to read:

40-181 CONTINUING ACTIVITIES AND DETERMINATION OF ELIGIBILITY 40-181
(Continued)

.2 Periodic Determination of Eligibility (Continued)

.24 Criteria for Evaluating Information Reported on the CA
7. (Continued)

.243 The following information or evidence shall be provided before the appropriate deduction or disregard from earnings is allowed: (Continued)

(a) A \$75 standard work expense disregard shall be allowed only when the number of days and hours worked are reported on the EA 7 and the conditions of Section 44-113.214(f) are met. If the days and hours worked are not reported on the EA 7, a standard work expense disregard of \$50 shall be allowed when other reported information for a pay period covered by wages, etc., to information provided is sufficient to determine that the recipient was employed at some time during the month (see Section 44-113.214(f)).

Authority: Welfare and Institutions Section 10553; AB 1557, Stats 1984, Chapter 1447, Section 14.

Reference: Public Law No. 98-369, Section 2622 (July 18, 1984) 98 Stat. 1134, 1984 U.S. Code Congressional and Administrative News, No. 6A [codified as 42 USC 602(a)(8)(A)(ii)]; 49 Federal Register 35601 (1984) [codified in 45 CFR 233.20(a)(11)(1)(8)].

(2) Amend MPP Section 42-211.253 to read:

42-211 PROPERTY ITEMS TO BE INCLUDED IN EVALUATING PROPERTY 42-211 WHICH MAY BE RETAINED (Continued)

.2 Personal Property to be Excluded (Continued)

.25 All Other Personal Property Including: (Continued)

.253 Cash burial reserves to the extent available or refundable of any type which have a cash value available to the applicant or recipient. The net market value of funeral agreements not exempted from evaluation as personal property under Section 42-213.2d.

Authority: Welfare and Institutions Code Section 10553.

Reference: AB 1557, Stats 1984, Chapter 1447 [codified as Welfare and Institutions Code Section 11158]; Public Law 98-369, Section 2626, (July 18, 1984) 98 Stat. 1136, 1984 U.S. Code Congressional and Administrative News, No. 5A [codified as 42 USC 602(a)(7)(B)]; 49 Federal Register 35579 (1984) [codified in 45 CFR 233.20(a)(3)(i)(4)].

(3) Adopt new MPP Section 42-213.11K to read:

42-213 PROPERTY ITEMS TO BE EXCLUDED IN EVALUATING
PROPERTY WHICH MAY BE RETAINED

42-213

.1 Real Property To Be Excluded

.11 The following items are to be excluded in evaluating
real property: (Continued)

k. A maximum of one burial plot for each member of
the Assistance Unit. For purposes of this
section, a burial plot is defined as an interment
space, crypt or niche intended for the interment
of the applicant or recipient.

Authority: Welfare and Institutions Code Section 10553.

Reference: AB 1557, Stats. 1984, Chapter 1447 (codified in
Welfare and Institutions Code Section 11158);
Public Law No. 98-369, Section 2626 (July 18,
1984) 98 Stat. 1136, 1984 U.S. Code Congressional
and Administrative News, No. 6A [codified as 42
USC .602(a)(7)(B)]; 49 Federal Register 35599
(1984) [codified in 45 CFR 233.20(a)(3)(1)(3)].

(4) Amend MPP Section 42-213.2d and adopt Section 42-213.2k to read:

42-213 PROPERTY ITEMS TO BE EXCLUDED IN EVALUATING PROPERTY WHICH MAY BE RETAINED (Continued) 42-213

.2 Personal Property to be Excluded (Continued)

d. Up to \$1,000 of amounts paid in the aggregate for the following burial reserves The following funeral agreements:

(1) Money or securities placed in an irrevocable trust for funeral, cremation or interment expenses with any of the trustees mentioned in Section 7736 of the Business and Professions Code.

An irrevocable trust, within the meaning of this section is a written agreement between the applicant or recipient and the trustee(s) which expressly provides that the trust agreement is irrevocable, and that the trustee obligates himself to apply the money held in trust for the funeral, cremation or interment of the applicant or recipient.

Trustees mentioned in Section 7736 of the Business and Professions Code are limited to:

(a) A banking institution or trust company legally authorized and empowered by the State of California to act as trustee in the handling of trust funds.

or

(b) Not less than three persons, one of whom may be an employee of the funeral director who is entering into a Preneed Funeral Arrangement as provided in Business and Professions Code Sections 7735 through 7742.

(2) Life or burial insurance purchased specifically for funeral, cremation or interment expenses which is placed in an irrevocable trust or which has no loan or cash value available to the insured during his lifetime. Included are:

- (a) An insurance policy on the life of the applicant payable to a beneficiary who has irrevocably agreed to apply the proceeds from the insurance for funeral, cremation or interment of the insured.
- (b) An insurance policy which is payable on death to the estate of the insured and thus, in effect, becomes a resource earmarked for burial.
- (3) Securities by a licensed cemetery authority which by their terms are convertible only into payment for funeral, cremation or interment expenses.
- (4) Money or securities placed by the applicant or recipient in an insured savings institution as an irrevocable trust with the applicant or recipient as trustee for the provision of funeral services upon the applicant's or recipient's death.
- (5) One other bonafide funeral agreement for each member of the assistance unit not to exceed \$1,500. If the net market value exceeds \$1,500, the excess over \$1,500 shall be treated as a resource included in the property limit described in Section 42-207. For purposes of this section, other bonafide funeral agreements are defined as preneed funeral agreements between the applicant or recipient and a licensed cemetery authority or licensed funeral director for funeral, cremation, or interment services. (Continued)

.2 Personal Property to be Excluded (Continued)

- k The first \$50 of current child support disregarded as income under Section 44-111.47 shall be excluded both during the month it is received by the county and when it is received by the assistance unit, if different.

Authority: Welfare and Institutions Code Section 10553; AB 1557, Stats. 1984, Chapter 1447, Section 14.

Reference: AB 1557, Stats. 1984, Chapter 1447 (codified in Welfare and Institutions Code Section 11158); Public Law No. 98-369, Sections 2626, 2640 (July

18, 1984), 98 Stat. 1136, 1145, 1984 U.S. Code Congressional and Administrative News, No. 5A [codified as 42 USC 602(a)(7)(B) and 42 USC 675(b)]; 49 Federal Register 35599, 35600 (1984) [codified in 45 CFR 233.20(a)(3)(i)(4), 45 CFR 232.20 and 45 CFR 233.20(a)(4)(ii)(j)].

(5) Amend MPP Section 43-201.3 Introductory Paragraph, •32 and •33 to read:

43-201 CHILD AND SPOUSAL SUPPORT AND PATERNITY (Continued) 43-201

•3 Child and Spousal Support Collections (Continued)

When support payments are made the county welfare department shall determine the effect of those payments on the eligibility of the AFDC recipient family. This section deals only with the determination of financial eligibility where a support payment has been made to the District Attorney or some other county agency or where the recipient has received the support payment and forwarded it to the appropriate agency. If a recipient has received a support payment directly from an absent parent and he or she does not send the payment to a county agency, the welfare department should notify the District Attorney (Section 43-201.215) and treat the entire payment as unearned income in the month received.

•31 (Continued)

•32 When the welfare department receives a notice of collection (•31 above), it shall redetermine the AFDC recipient family's eligibility in accordance with Section 44-207. This means that the amount of the collection on the current support obligation, after allowing the disregard in Section 44-111.47, will be used in estimating financial eligibility.

•321 (Continued)

•322 (Continued)

•33 When the child support collection is distributed under Section 43-203, certain payments will be made to the family.

*33‡ ~~tHas been deleted†~~

•33‡1 Any payment made to the family from child support collected in any month is considered available income in the month received except as specified in 44-111.47.

Authority: Welfare and Institutions Code Section 10553; AB 1557, Stats. 1984, Chapter 1447, Section 14.

Reference: AB 1557, Stats. 1984, Chapter 1447 [codified in Welfare and Institutions Code Section 11158]; Public Law No. 98-369, Section 2640 (July 18, 1984), 98 Stat. 1145, 1984 U.S. Code Congressional and Administrative News, No. 6A [codified as 42 USC 675(b)]; 49 Federal Register 35600 (1984) [codified in 45 CFR 232.20 and 45 CFR 233.20(a)(4)(ii)(j)].

(6) Amend MPP Section 44-101.32 through .324 to read:

44-101 INCOME DEFINITIONS (Continued)

44-101

.3 Current Income (Continued)

*32 Exceptions: If an applicant or recipient with earned income is not receiving advance Earned Income Credit (EIC) payments, the county shall determine the amount of advance EIC which the applicant or recipient would be eligible to receive if he/she had requested an advance EIC payment from his/her employer by filling an Earned Income Credit Advance Payment Certificate (IRS Form W-5). This assumed EIC amount shall be included as earned income; however, EIC shall not be assumed for persons not included in the FBB.

*32t The amount of advance EIC can be determined from Internal Revenue Service (IRS) Publication 554 Circular E and Supplement Reprint.

tat The county shall utilize only the tables for the Wage Bracket Method of Advance EIC Payment in this determination.

tbt If the applicant/recipient has more than one employer, the computation of the assumed advance EIC payments shall be based on the combined earnings of all employers.

*322 Current income includes Earned Income Credit (EIC) payments when actually received as advance payments or as a single payment at the end of the tax year. See Section 44-207.4. An individual is considered eligible to receive advance EIC payments if all of the following conditions are expected to be met for the tax year.

tat.321 The amount of his/her yearly "adjusted gross income" (including that of the spouse) is expected to be less than \$10,000 11,000. "Adjusted gross income" refers to the amount used for IRS tax purposes; e.g., for 1980 adjusted gross income was reported on Form 1040a, line 11 or on Form 1040, line 31.

tbt.322 The individual is expected to have at least one child living with him/her in the United States for the entire year except when the child is away at school or on vacation. The child must be one of the following:

(1) The individual's child, stepchild, or a child placed with him/her by an authorized placement agency for legal adoption (even if the child becomes the recipient's stepchild or adopted child, or is placed, during the year); or any other child cared for as his/her own child for the whole year, unless the child's natural or adoptive parents provide more than half of the support for that year.

~~tet.323~~ If the individual is married, that a joint tax return is expected to be filed.

~~tet.324~~ If the individual is unmarried or living apart from his/her spouse, that he/she is expected to pay at least half the cost of keeping up his/her household. AFDC payments which are used to pay part of the cost of keeping the household are not counted as amounts furnished by the individual.

~~tet.325~~ All the earned income is expected to be from sources inside the United States and not eligible for exclusion or exemption as foreign income or income from U.S. possessions.

~~tet.326~~ Either the individual expects to claim an exemption for the child living with him/her or he/she expects to qualify as head of household for IRS tax purposes.

*323 If the applicant or recipient files a W-5 with his/her employer but does not receive advance E&E payments because the employer refuses to issue them, the advance E&E payments to which he/she would otherwise be eligible shall not be considered as income. Any amounts of E&E previously assumed under these circumstances are underpayments.

*324 Advance E&E payments shall not be assumed to be available to agricultural workers paid on a daily basis.

Authority: Welfare and Institutions Code Sections 10553; AB 1557, Stats 1984, Chapter 1447, Sections 14

Reference: Public Law No. 98-369, Section 2629, (July 18, 1984), 98 Stat. 1137, 1984 U.S. Code Congressional and Administrative News, No. 6A [codified as 42 USC 602(d)(1)]; 49 Federal Register 35601 (1984) [codified in 45 CFR 233.20(a)(6)(ix)]

(7) Rerumber MPP Section 44-101.325 to 44-113.6 and amend to read:

44-113 NET INCOME (Continued)

44-113

~~44-101.325.6~~ Reconciliation of Advanced Earned Income Credit (EIC) to Year-End EIC.

44-113.61 Definitions

t44-113.61(a) Advanced EIC: The total EIC advanced to the recipient during the tax year. This figure is obtained from the IRS forms W-2, 1040 or 1040A.

t44-113.61(b) Year-End EIC: The year-end EIC entitlement for the tax year. This figure is obtained from the IRS forms 1040 or 1040A.

t44-113.61(c) Year-End EIC Payment: The payment made to the taxpayer when the year-end EIC is greater than the amount of the advanced EIC.

t44-113.61(d) Actual Advance EIC: The EIC actually received by the individual on a monthly basis during the tax year.

t44-113.61(e) Assumed EIC: The monthly EIC used by the county to determine the AFDC grant when the individual would be eligible to receive advance EIC payments, but has not applied or is not yet receiving them. EIC payments shall not be assumed after September 30, 1984.

t44-113.61(f) Year-End EIC attributable to AFDC: That portion of the year-end EIC attributable to the individual's term as an employed AFDC recipient for (or during) the tax year. For purposes of this definition, the term "on aid" means the number of months on aid.

t44-113.61(g) For the tax year: The actual advance EIC, assumed EIC, and earnings received by the recipient during the calendar year. Disregards will be considered as applied to such income in the month of receipt, even though the corresponding payment month falls outside the calendar year.

t8t(h) Reconciliation: The method by which the recipient:

- (1) is compensated for AFDC benefits lost due to the overcounting of actual advance EIC factual and/or assumed, or
- (2) has his/her countable year-end EIC payment adjusted by the amount of actual EIC assumed received for the tax year.

tbt-62 Reconciliation Methodology

tbt-621 If the total amount of actual advance EIC which was counted in determining the recipient's net nonexempt earned income received during the tax year differs from the year-end EIC, or if any assumed EIE was counted, reconciliation is required. Reconciliation and payment of any resulting EIC adjustment shall be made to current recipients only.

tbt(a) The recipient is responsible for providing all information and documentation necessary to complete the reconciliation computation. Such information includes, but is not limited to, the recipient's income tax return (IRS form 1040 or 1040A) and/or any tax refund check received. If the recipient fails to provide necessary documentation, then reconciliation shall not be made.

tbt-622 If the tax return shows that the year-end EIC is greater than the advanced EIC and the recipient is entitled to any payment from the Internal Revenue Service (IRS), the following reconciliation shall be made after such payment is actually received from the IRS.

tbt(a) If the recipient receives a payment from the IRS for the previous tax year, the county shall segregate that portion of the payment which represents the year-end EIC payment from the tax refund. That portion shall be treated as lump sum earned income in the month received (see Section 44-207.4).

tbt If a portion of the payment from IRS represents a year-end EIE payment, the

county shall deduct the total assumed EIC used in grant computations for that tax year from the year-end EIC payment. The remainder is earned income in the month received.

f67(b) If the recipient fails to provide necessary documentation [see ~~fb7ffff~~ MPP Section 44-113.621(a) above] and the county cannot establish the amount of the year-end EIC payment, the entire amount of the payment received from the IRS shall be considered an income tax refund.

f67(c) Example:

- The year-end EIC payment is \$500.
- The wife worked for one month during the tax year and is not working when the payment is received.
- The husband received the 30 and 1/3 disregard for four months and is employed full-time earning \$600/month when the year-end EIC payment is received. Two hundred dollars (\$200) EIC was assumed advanced for the tax year based on the husband's earnings.
- Both the husband and the wife are members of the FBU when the year-end EIC payment is received.

	WIFE	HUSBAND
Share of EIC*	\$250	\$250
Minus Assumed Advanced EIC	- 0	-200
Plus Other Earnings	<u>+ 0</u>	<u>+600</u>
Subtotal	\$250	\$650
Minus Standard Work Expense Disregard**	- 0	- 75
Minus Dependent Care Disregard - (no expense)	- 0	- 0
Minus 30 and 1/3 Disregard*** -103	<u>-103</u>	<u>- 0</u>
Subtotal	\$147	\$575
Plus Unearned Income	<u>+ 0</u>	<u>+ 0</u>
Net Nonexempt Income	\$147	\$575
Husband	\$575	
Wife	<u>+147</u>	
	\$722	Total net nonexempt income for use in the lump sum computation in Section 44-207.4

- * Year-end EIC is split between the husband and wife when both were earners in the tax year. If only one spouse worked during the tax year, the year-end EIC is attributable only to that earner.
- ** The standard work expense disregard is applied only when other earner income is received at the time EIC is received.
- *** The \$30+1/3 and, as applicable, the \$30 disregard is applied only if there is eligibility to the disregard when the EIC is received.

t3t-623 If the tax return shows that the year-end EIC is less than the advanced EIC, a prompt reconciliation shall be made as follows:

tatal Determine whether the year-end EIC attributable to AFDC is greater than the

total amount of advance EIC counted as income for AFDC purposes for the tax year. This is determined as follows:

titl1 Obtain the monthly entitlement by dividing the year-end EIC (as listed on IRS form 1040 or 1040A) by the total number of months in the tax year during which the recipient had earnings.

titl2 Multiply the monthly entitlement above by the number of months the recipient had earnings while on aid during the tax year in order to obtain the year-end EIC attributable to AFDC.

titl3 If the year-end EIC attributable to AFDC is greater than the total amount of assumed and actual advance EIC counted as income to the FDU for the tax year, no further reconciliation is necessary.

t8t1 When the year-end EIC attributable to AFDC is less than the total assumed and actual advance EIC counted as income to the FDU for the tax year, reconciliation shall be made as follows:

titl1 Subtract the year-end EIC attributable to AFDC [as determined in .623 (a)titl2 above] from the total actual advance EIC payments ~~assumed and/or actual~~ counted as income to the FDU for the tax year.

titl2 Divide the remainder above by the number of months advance EIC payments were received or assumed for AFDC for the tax year to obtain the maximum monthly adjustment.

titl3 Multiply the maximum monthly AFDC adjustment above by the number of months for the tax year in which the \$30 and 1/3 disregard was applied to actual advance EIC payments ~~factured or assumed~~.

~~(4)~~ Multiply the amount above by 2/3.

~~(5)~~ Multiply the maximum monthly AFDC adjustment in ~~(2)~~ above by the number of months for the tax year in which actual advance EIC payments ~~or assumed~~ were considered income for AFDC purposes but the \$30 and 1/3 disregard was not applied.

~~(6)~~ Add the amounts in ~~(4)~~ and ~~(5)~~ above to determine lost AFDC benefits to be adjusted.

~~(7)~~ The amount in ~~(6)~~ above shall be issued as an EIC adjustment payment.

~~(c)~~ Example: Computation of the EIC adjustment payment

Computation Factors

- Recipient was employed 9 months in the tax year.
- Recipient received AFDC during 7 of the 9 months he/she was employed during the tax year.
 - The \$30 plus 1/3 disregard was applied in 4 months while aided.
 - The \$30 plus 1/3 disregard was not applied in 3 months while aided.
 - Actual Advanced EIC ~~assumed~~ and ~~actual~~ counted in the computation of the recipient's aid payments for the tax year totaled \$300.
 - Recipient's 1040 or 1040A for the tax year indicated.
 - Year-end EIC \$350
 - Advanced EIC \$400

Computation Steps

Determination of whether EIC counted for AFDC during the tax year (\$300) was greater than the year-end EIC attributable to AFDC:

$$\frac{\$350 \text{ [year-end EIC]}}{9 \text{ months [months of earnings]}} = \$38.889 \text{ [monthly EIC entitlement]}$$

[see 44-101-325(b)(3)(A)(ii) 44-113-623(a)(1)]

$$\$38.889 \times 7 = \$272.1622 \text{ [year-end EIC attributable to AFDC]}$$

[monthly EIC [months of earnings while aided] attributable to AFDC]

[see 44-101-325(b)(3)(A)(ii) 44-113-623(a)(2)]

$$\$272.16 - \$300 = \$27.8478 \text{ [overcounted EIC]}$$

{year-end EIE {EIE counted in AFDC grants in
attributable AFDC grants in the tax year}
to AFDC} to AFDC}

$$\$300 - \$272.22 \text{ [year-end EIC attributable to AFDC]}$$

[EIC counted in AFDC grants in the tax year] to AFDC]

[see 44-101-325(b)(3)(B)(ii) 44-113-623(b)(1)]

If the EIC counted in the computation of AFDC payments during the tax year (\$300) exceeds the year-end EIC attributable to AFDC (\$272.4622), compute the EIC adjustment payment as follows:

(v)(4) $\frac{\$27.8478 \text{ [overcounted EIC]}}{7 \text{ [months of EIC payments]}} = \3.987
[maximum monthly considered while aided] adjustment]

[see 44-101-325(b)(3)(B)(ii)44-113-623(b)(2)]

(v)(5) $\frac{\$3.987}{\$15.9287} \times 4 = \$15.9287$
[maximum monthly adjustment] [number of aided months the \$30 & 1/3 disregard applied to advance EIC payments]

[see 44-101-325(b)(3)(B)(ii)44-113-623(b)(3)]

(v)(6) $\frac{\$15.9287}{\$10.643} \times 2/3 = \$10.643$
[total v(5)] [total v(6)]

[see 44-101-325(b)(3)(B)(ii)44-113-623(b)(4)]

(v)(7) $\frac{\$3.987}{\$11.941} \times 3 = \$11.941$
[maximum monthly adjustment] [number of aided months the \$30 & 1/3 disregard not applied to advance EIC payments]

[see 44-101-325(b)(3)(B)(ii)44-113-623(b)(5)]

(v)(8) $\frac{\$10.643}{\$11.941} + \$11.941 = \22.554
[total v(6)] [total v(7)] [EIC adjustment payment]

[see 44-101-325(b)(3)(B)(ii)44-113-623(b)(6)]

(e) The following methodologies shall be used for the reconciliation of advance EIC (actual and assumed) to year-end EIC for the tax year 1984 when any EIC payments were assumed received for the months of January 1984 through September 1984 and were

counted in determining the recipient's net nonexempt earned income. EIC payments shall not be assumed after September 30, 1984. If no EIC payments were assumed during tax year 1984, use the reconciliation methodology in .622 and .623 above.

(a) If the recipient fails to provide the necessary documentation for the following calculations, reconciliation shall not be made.

(b) If the tax return shows that the year-end EIC is greater than the advance EIC (actual and assumed), the county shall deduct the total advance EIC used in the grant computations for the tax year 1984 from the 1984 year-end EIC payment. The remainder is lump sum earned income in the month received. See Section 44-207.4.

(c) Example:

- = The year-end EIC payment is \$500.
- = The wife worked for one month during the tax year and is not working when the payment is received.
- = The husband received the 30 and 1/3 disregard for four months and is employed full-time earning \$600/month when the year-end EIC payment is received. Two hundred dollars (\$200) EIC was assumed for the tax year based on the husband's earnings.
- = Both the husband and the wife are members of the FBO when the year-end EIC payment is received.

WIFE HUSBAND

<u>Share of EIC*</u>	<u>\$250</u>	<u>\$250</u>
<u>Minus Assumed EIC</u>	<u>- 0</u>	<u>-200</u>
<u>Plus Other Earnings</u>	<u>+ 0</u>	<u>+600</u>

Subtotal \$250 \$650

<u>Minus Standard Work</u>		
<u>Expense Disregard**</u>	<u>- 0</u>	<u>- 75</u>
<u>Minus Dependent Care</u>		
<u>Disregard (no expense)</u>	<u>- 0</u>	<u>- 0</u>
<u>Minus 30 and 1/3</u>		
<u>Disregard***</u>	<u>-103</u>	<u>- 0</u>
<u>Subtotal</u>	<u>\$147</u>	<u>\$575</u>

Plus Unearned Income + 0 + 0

Net Nonexempt Income \$147 \$575

<u>Husband</u>	<u>\$575</u>
<u>Wife</u>	<u>+147</u>

\$722 Total net nonexempt
income for use in
lump sum computation
in Section 44-207-4

- * Year-end EIC is split between the husband and wife when both were earners in the tax year. If only one spouse worked during the tax year, the year-end EIC is attributable only to that earner.
- ** The standard work expense disregard is applied only when other earner income is received at the time EIC is received.
- *** The \$30+1/3 disregard is applied only if there is eligibility to the disregard when the EIC is received.

Total If the 1984 tax return shows that the
year-end EIC is less than the advance EIC

factual and assumed) reconciliation shall be as follows:

- (1) Subtract the year-end EIC attributable to AFDC [as determined from the methodology described for actual EIC in .623(a) above] from the total advance EIC payments counted as income to the assistance unit for the 1984 tax year.
- (2) Divide the remainder above by the number of months advance EIC payments were received or assumed for AFDC for the 1984 tax year to obtain the maximum monthly adjustment.
- (3) Multiply the maximum monthly AFDC adjustment above by the number of months for the 1984 tax year in which the \$30 and 1/3 disregard was applied to the advance EIC payments.
- (4) Multiply the amount above by 2/3.
- (5) Multiply the maximum monthly AFDC adjustment in (2) above by the number of months for the 1984 tax year in which advance EIC payments were considered income for AFDC purposes but the \$30 and 1/3 disregard was not applied.
- (6) Add the amounts in (4) and (5) above to determine lost AFDC benefits to be adjusted.
- (7) The amount in (6) above shall be issued as an EIC adjustment payment.
- (8) Example: Computation of the EIC adjustment payment

Computation Factors

- Recipient was employed 9 months in the 1984 tax year.

- Recipient received AFDC during 7 of the 9 months he/she was employed during the tax year.
- The \$30 plus 1/3 disregard was applied in 4 months while aided.
- The \$30 plus 1/3 disregard was not applied in 3 months while aided.
- Advance EIC (assumed and actual) counted in the computation of the recipient's aid payments for the 1984 tax year totaled \$300.
- Recipient's 1040 or 1040A for the 1984 tax year indicated.
 - Year-end EIC \$350
 - Advance EIC \$400

Computation Steps

Determination of whether EIC counted for AFDC during the 1984 tax year (\$300) was greater than the year-end EIC attributable to AFDC:

(1) $\frac{\$350 \text{ [year-end EIC]}}{9 \text{ months [months of earnings]}} = \38.89
[monthly EIC entitlement]

[see 44-113.623(a)(1)]

(2) $\frac{\$38.89}{\text{[monthly EIC entitlement]}} \times \frac{7}{\text{[months of earnings while aided]}} = \272.22
[year-end EIC attributable to AFDC]

[see 44-113.623(a)(2)]

(3) $\frac{\$300}{\text{[EIC counted in AFDC grants in the tax year]}} - \frac{\$272.22}{\text{[year-end EIC attributable to AFDC]}} = \27.78
[overcounted EIC]

[see 44-113.624(d)(1)]

If the EIC counted in the computation of AFDC payments during the 1984 tax year (\$300) exceeds the year-end EIC attributable to AFDC (\$272.22), compute the EIC adjustment payment as follows:

(4) $\frac{\$27.78 \text{ [overcounted EIC]}}{7 \text{ [months of EIC payments]}} = \3.97
[maximum monthly considered while aided] adjustment]

[see 44-113-624(d)(2)]

(5) $\frac{\$3.97}{\$30} \times 4 = \$15.87$
[maximum monthly adjustment] [number of aided months the \$30 & 1/3 disregard applied to advance EIC payments]

[see 44-113-624(d)(3)]

(6) $\frac{\$15.87}{\$10.63} \times 2/3 = \$10.63$
[total (5)] [total (6)]

[see 44-113-624(d)(4)]

(7) $\frac{\$3.97}{\$30} \times 3 = \$11.91$
[maximum monthly adjustment] [number of aided months the \$30 & 1/3 disregard not applied to advance EIC payments]

[see 44-113-624(d)(5)]

(8) $\frac{\$10.63}{\$11.91} + \$22.54 = \text{EIC adjustment payment}$
[total (6)] [total (7)]

[see 44-113-624(d)(6)]

Authority: Welfare and Institutions Code Sections 10553; AB 1557, Stats. 1984, Chapter 1447, Sections 14

Reference: Public Law No. 98-369, Section 2629 (July 18, 1984), 98, Stat. 1137, 1984 U.S. Code Congressional and Administrative News, No. 6A [codified as 42 USC 602(d)(1)]; 49 Federal Register 35601 (1984) [codified in 45 CFR 233.20(a)(6)(ix)]

(8) Amend Section 44-101.527 to read:

44-101 INCOME DEFINITIONS (Continued)

44-101

.5 Earned Income (Continued)

.52 Earned income also includes: (Continued)

- 527 Earned Income Credit (EIC) payment received for taxable year 1980 and thereafter whether received as a tax refund single payment after the end of the tax year (See #325 above 44-113-6) or received or assumed to be received as advance payment under Section 44-101.32.

Authority: Welfare and Institutions Code Sections 10553; AB 1557, Stats. 1984, Chapter 1447, Sections 14

Reference: Public Law No. 98-369, Section 2629 (July 18, 1984), 98 Stat. 1137, 1984 U.S. Code Congressional and Administrative News, No. 6A [codified as 42 USC 602 (d)(1)]; 49 Federal Register 35601 (1984) [codified in 45 CFR 233.20(a)(6)(ix)]

(9) Amend MPP Section 44-111.21 to read:

44-111 PAYMENTS EXCLUDED OR EXEMPT FROM CONSIDERATION AS INCOME 44-111

.2 Exemption of Earned Income (Continued)

.21 Job Training Partnership Act (JTPA) - Earned Income of a Child (Continued)

.211 All earnings of a child (see Section 42-101 for age requirement) which are derived from participation in JTPA programs shall be disregarded from consideration as income for both eligibility and grant determinations for up to six months per calendar year. This disregard also applies when determining the ±50 185 percent income limit for eligibility (see Section 44-207).

Authority: Welfare and Institutions Code Section 10553

Reference: AB 1557, Stats. 1984, Chapter 1447 (codified in Welfare and Institutions Code Sections 11267); Public Law 98-369, Section 2621, (July 18, 1984), 98 Stat. 1134, 1984 U.S. Code Congressional and Administrative News, No. 6A [codified as 42 USC 602(a)(18)]; 49 Federal Register 35600 (1984) [codified in 45 CFR 233.20(a)(3)(xiii)]

(10) Amend MPP Section 44-111.224 to read:

44-111 PAYMENTS EXCLUDED OR EXEMPT FROM CONSIDERATION AS INCOME 44-111

.2 Exemption of Earned Income -- AFDC (Continued)

.22 Student Exemption (Continued)

.224 This exemption is applied for purposes of financial eligibility (see Section 44-207.3) and for purposes of grant determination whether or not the student has received aid previously. It is not applied when determining the 150 percent income limit under Section 44-207.2. When determining the 185 percent income limit, this exemption is applied for up to six months per calendar year under Section 44-207.211(d).

Authority: Welfare and Institutions Code Section 10553.

Reference: AB 1557, Stats. 1984, Chapter 1447 [codified as Welfare and Institutions Code Sections 11008.15 and 11257]; Public Law 98-369; Sections 2621, 2642 (July 18, 1984), 98 Stat. 1134, 1146, 1984 U.S. Code Congressional and Administrative News, No. 6A [codified as 42 USC 602(a)(18) and 42 USC 602(a)(8)(A)]; 49 Federal Register 35600, 35601 (1984) [codified in 45 CFR 233.20(a)(3)(ix) and 45 CFR 233.20(a)(11)(vi)]

(11) Amend Section 44-111.232(a) to read:

44-111 PAYMENTS EXCLUDED OR EXEMPT FROM CONSIDERATION AS INCOME (Continued) 44-111

.2 Exemption of Earned Income -- AFDC (Continued)

.23 30 and 1/3 (Continued)

.232 The \$30 and 1/3 disregard shall not be applied when:

(a) The ±50 185 percent income limit is being determined as outlined in Section 44-207.2.

Authority: Welfare and Institutions Code Section 10553.

Reference: AB 1557, Stats. 1984, Chapter 1447 (codified as Welfare and Institutions Code Section 11267); Public Law No. 98-369, Section 2621 (July 18, 1984), 98 Stat. 1134, 1984 U.S. Code Congressional and Administrative News, No. 6A [codified as 42 USC 602(a)(18)]; 49 Federal Register 35600 (1984) [codified in 45 CFR 233.20(a)(3)(xiii)]

(12) Renumber MPP Section 44-111.24 to .25 and adopt new Section 44-111.24 to read:

44-111 PAYMENTS EXCLUDED OR EXEMPT FROM CONSIDERATION AS INCOME (Continued) 44-111

.2 Exemption of Earned Income -- AFDC (Continued)

.245 College Work Study Program

Earned income from the College Work Study Program is exempt. This exemption is applied for both eligibility and grant determination whether or not the student has received aid previously.

.24 \$30 Disregard

.241 When the recipient has received the \$30 and 1/3 disregard in any assistance unit for four consecutive months as provided in .23 above, he/she shall be eligible for a \$30 disregard for a period of eight consecutive months immediately following the end of the four consecutive months.

.242 If for any reason the recipient does not receive the \$30 disregard in a month (e.g. ineligible for aid, terminated employment, etc.), that month shall nonetheless count as one of the eight consecutive months. See 44-113.218.

Example: A recipient works and is eligible for and has received the \$30 and 1/3 disregard for four consecutive months. At the end of the fourth month the recipient lost the job. Two months later he/she goes back to work. The recipient is then eligible for the \$30 disregard for the six remaining months.

<u>11</u> <u>WORKS</u>	<u>12</u> <u>WORKS</u>	<u>13</u> <u>WORKS</u>	<u>14</u> <u>WORKS</u>	<u>15</u> <u>NO JOB</u>	<u>16</u> <u>NO JOB</u>
<u>\$30</u> <u>&</u> <u>1/3</u>	<u>\$30</u> <u>&</u> <u>1/3</u>	<u>\$30</u> <u>&</u> <u>1/3</u>	<u>\$30</u> <u>&</u> <u>1/3</u>	<u>None</u>	<u>None</u>
<u>17</u> <u>WORKS</u>	<u>18</u> <u>WORKS</u>	<u>19</u> <u>WORKS</u>	<u>10</u> <u>WORKS</u>	<u>11</u> <u>WORKS</u>	<u>12</u> <u>WORKS</u>
<u>\$30</u>	<u>\$30</u>	<u>\$30</u>	<u>\$30</u>	<u>\$30</u>	<u>\$30</u>

- 243 When the additional eight consecutive month period has expired, a recipient shall not be entitled to receive the \$30 disregard again until he/she has not received AFDC for twelve consecutive months.
- 244 For purposes of implementing the \$30 disregard specified in Section 44-111.241 above effective October 1, 1984, the \$30 disregard shall not be allowed for a recipient who received the \$30 and 1/3 disregard as specified in Section 44-111.23 for four consecutive months ending prior to October 1, 1984.

Authority: Welfare and Institutions Code Sections 10553, 10554; Stats 1984, Chapter 1447, Section 14.

Reference: Public Law 98-369, Section 2623 (July 18, 1984); 98 Stat 1134, 1984 U.S. Code Congressional and Administrative News No. 6A; 45 CFR Section 233.20(a)(11)(ii)(B) (49 Federal Register 35593-35594, 35601, September 10, 1984).

(13) Amend MPP Section 44-111.3c(1) to read:

44-111 PAYMENTS EXCLUDED OR EXEMPT FROM CONSIDERATION AS INCOME (Continued) 44-111

.3 Exemption of Payments from Public Sources (Continued)

c. Job Training Partnership Act (JTPA) (Continued)

- (1) Payments, other than earnings, to a child (see Section 42-101 for age requirement) which are derived from participation in JTPA programs shall be disregarded as income for both eligibility (including the ±50 185 percent income limit) and grant determinations. There is no time limit for this disregard. This disregard does not apply to earnings paid under the Act (see Section 44-111.21).

Authority: Welfare and Institutions Code Section 10553.

Reference: AB 1557, Stats. 1984, Chapter 1447 (codified in Welfare and Institutions Code Section 11267); Public Law No. 98-369, Section 2621, (July 18, 1984), 98 Stat 1134, 1984 U.S. Code Congressional and Administrative News, No. 6A, [codified as 42 USC 602(a)(18)]; 49 Federal Register 35600 (1984) [codified in 45 CFR 233.20(a)(3)(xiii)].

(14) Adopt MPP Section 44-111.47 to read:

44-111 PAYMENTS EXCLUDED OR EXEMPT FROM CONSIDERATION AS INCOME (Continued) 44-111

.4 Exclusions or Exemptions of Other Payments and Income (Continued)

.47 Child Support Disregard

The first \$50 per month of current child support paid to or on behalf of an assistance unit shall be disregarded when determining both eligibility and grant amount. This disregard applies only to current child support payments and does not apply to spousal support or to child support payment other than current payments. See Section 42-213.2(k).

- .471 When the child support payment is received by the county, the amount of the current support payment which is paid to the assistance unit shall be disregarded. This disregard is applied in the month in which the child support payment is received by the county for eligibility determination and applied in the month in which the disregard payment is received by the assistance unit, if different, for eligibility and grant determination.
- .472 When the child support payment is directly received by the assistance unit from the absent parent, the first \$50 of such payment is disregarded and the balance of the support payment is considered income to the assistance unit.
- .473 The total amount of the current child support disregard attributable to any month shall not exceed \$50 per assistance unit regardless of whether the child support is received by the county, with a portion paid to the assistance unit, or the child support is received by the assistance unit directly. If in the same month the assistance unit receives a disregard payment from the county attributable to a prior month and also receives a current child support payment directly from an absent parent, the assistance unit shall be entitled to both disregards. If the assistance unit receives a payment from the county which consists of payments from current child support for more than one month, the \$50 limit

shall apply only to the total child support disregard for the month to which the disregard is attributable.

For example, the county received current child support payments of \$150 in January, \$150 in February and issued the assistance unit a payment of \$100 in March. The total \$100 shall be disregarded in March for purposes of determining eligibility and grant since it is attributable to January and February.

Authority: Welfare and Institutions Code Section 10553; AB 1557, Stats 1984, Chapter 1447, Section 14.

Reference: Public Law No. 98-369, Section 2640 (July 18, 1984), 98 Stat. 1145, 1984 U.S. Code Congressional and Administrative News, No. 6A [codified as 42 USC 675(b)]; 49 Federal Register 35600 (1984) [codified in 45 CFR 232.20 and 45 CFR 233.20(a)(4)(ii)(j)].

(15) Amend MPP Section 44-113.211 to read:

44-113 NET INCOME (Continued)

44-113

.2 Earnings (Continued)

.21 Computation of Net Nonexempt Earned Income for Aid to Families with Dependent Children

To determine the amount of Net Nonexempt Earned Income for the month, the following steps shall be taken:
(Continued)

.211 Determine the total amount of commissions, wages or salary earned as an employee during or applicable to the month (i.e., total income irrespective of expenses, voluntary or involuntary deductions). Include any assumed or actual advanced EIC payments. See Section 44-101.32. To determine total earnings for the month, some earnings may have to be allocated to the month pursuant to Section 44-102. Also, the monetary value of any in-kind earned income per Section 44-115 must shall be included. Do not include earnings exempted in entirety under Section 44-111.22.

Authority: Welfare and Institutions Code Section 10553; AB 1557, Stats. 1984, Chapter 1447, Section 14.

Reference: Public Law No. 98-369, Section 2629 (July 18, 1984), 98 Stat. 1137, 1984 U.S. Code Congressional and Administrative News, No. 6A [codified as 42 USC 602(d)(1)]; 49 Federal Register 35601 (1984) [codified in 45 CFR 233.20(a)(6)(ix)].

(16) Amend MPP Section 44-113.214 to read:

44-113 NET INCOME (Continued)

44-113

.2 Earnings

.21 Computation of Net Nonexempt Earned Income for Aid to Families with Dependent Children

To determine the amount of Net Nonexempt Earned Income for the month, the following steps shall be taken:
(Continued)

.214 Apply a the standard work expense disregard of \$75 to the amount in .213 for each recipient employed or self-employed as follows: in the month to which the earnings are attributable.

tat Disregard \$75 for each recipient who worked at least 100 hours and at least 13 days in the month to which the earnings are attributable.

tbt Disregard \$50 for each recipient employed less than 100 hours or less than 13 days in the month to which the earnings are attributable.

Authority: Welfare and Institutions Code Section 10553; AB 1557, Stats. 1984, Chapter 1447, Section 14.

Reference: Public Law 98-369, Section 2622, (July 18, 1984), 98 Stat. 1134, 1984 U.S. Code Congressional and Administrative News, No. 6A [codified as 42 USC 602(a)(8)(A)(ii)]; 45 Federal Register 35601 (1984) [codified in 45 CFR 233.20(a)(11)(i)(B)].

(17) Adopt new MPP Section 44-113.217, amend and renumber current MPP Section 44-113.217 to .218, renumber current MPP Section 44-113.218 to .219 and amend MPP Section 44-113.22 to read:

44-113 NET INCOME (Continued)

44-113

.2 Earnings (Continued)

.21 Computation of Net Nonexempt Earned Income for Aid to Families with Dependent Children

To determine the amount of Net Nonexempt Earned Income for the month, the following steps shall be taken:
(Continued)

.217 For each recipient who is eligible to receive the additional \$30 disregard subtract \$30 from the amount remaining after application of .214 and .215 above (see Section 44-111.24).

.2178 The deductions in .214, .215 and .216 and .217 shall not be allowed if the recipient: (1) failed to make a timely report of earned income that month as required by Sections 40-125.922 and 40-181.22; or (2) terminated employment, reduced earnings or refused employment without good cause within the budget period or the 30 days immediately prior to the budget period. (Good cause shall be evaluated using the standards defined in Section 41-442.113); or (3) voluntarily requests a discontinuance for the primary purpose of avoiding the 4 consecutive month limitation on receipt of the \$30 and 1/3 disregard.

.2189 Add together the amounts remaining after application of the above sections for each recipient. This total is net nonexempt earned income for the FBU.

.22 Example. An FBU consists of a mother, two preschool children and two teenage sons, ages 15 and 16. The 15 and 16-year olds are not in school.

The mother is employed for 20 days, works over 100 hours, and earns \$600. The 15 year old son earns \$170 and the 16 year old earns \$140. Child care expenses are \$160 for the first pre-school child and \$130 for the second. The mother is not no longer eligible for the

\$30 and 1/3 exemption disregard, but is still eligible for the \$30 disregard, but her teenage sons are eligible for the \$30 and 1/3 disregard. Net nonexempt earned income for the month is computed as follows:

Step (1) Compute remainders for each recipient.

(a) For the mother:

\$600	gross wages
- 75	Amount allowable under 44-113-214 standard work expense disregard
-160	child care for first preschooler
-130	child care for second preschooler
<u>- 30</u>	<u>disregard</u>

\$235 205 remainder for mother

(b) For the 15-year-old:

\$170	gross wages
- 50 <u>75</u>	Amount allowable under 44-113-214 standard work expense disregard
<u>- 60<u>52</u></u>	<u>\$30 plus 1/3 deduction</u>

\$ 6043 remainder for 15-year-old

(c) For the 16-year-old

\$140	gross wages
- 50 <u>75</u>	Amount allowable under 44-113-214 standard work expense disregard
<u>- 50 <u>42</u></u>	<u>\$30 plus 1/3 deduction</u>

\$40 23 remainder for 16-year-old

Step (2) Combine remainders for each recipient

- | | | |
|-----|-----------------------|---|
| (a) | \$235 <u>205</u> | mother |
| (b) | 60 <u>43</u> | 15-year-old |
| (c) | <u>+ 40 <u>23</u></u> | 16-year-old |
| (d) | \$335 <u>271</u> | net nonexempt earned income of the household. |

Authority: Welfare and Institutions Code Sections 10553 and 10554; AB 1557, Stats. 1984, Chapter 1447, Section 14.

Reference: Public Law 98-369, Sections 2622 and 2623 (July 18, 1984); 98 Stat. 1134, 1984 U.S. Code Congressional and Administrative News No. 6A; 45 CFR Sections 233.20(a)(11)(i)(B) and 233.20(a)(11)(ii)(B) (49 Federal Register 35601, September 10, 1984).

(18) Amend MPP Section 44-113.7 to read:

44-113 NET INCOME (Continued)

44-113

- .7 Child Support which is paid to the recipient by the absent parent and not forwarded to the county or which is collected by the county and paid to the recipient pursuant to Section 43-203.13 and .15 shall be considered available income when received, except as specified in 44-111.47.

Authority: Welfare and Institutions Code Section 10553; AB 1557, Stats. 1984, Chapter 1447, Section 14.

Reference: Public Law No. 98-369 Section 2640 (July 18, 1984), 98 Stat. 1145, 1984 U.S. Code Congressional and Administrative News, No. 6A [codified as 42 USC 675(d)]; 49 Federal Register 35600 (1984) [codified in 45 CFR 232.20 and 45 CFR 233.20(a)(4)(ii)(j)].

(19) Amend MPP Section 44-133.31 to read:

44-133 TREATMENT OF INCOME - AFDC (Continued)

44-133

.3 Income in Cases in Which a Parent or Other Caretaker Has Been Excluded from the FBU (Continued)

.31 If a parent living in the home is excluded from the Family Budget Unit for reasons other than being a recipient of another aid program, a portion of his/her income is income to the Family Budget Unit. This portion is determined as follows:

.311 Determine the parent's net nonexempt income according to Chapter 44-100. Allow disregards in Section 44-113 except the \$30 and 1/3 or, as applicable, the \$30 disregard.

.312 Subtract the maximum aid for the number of persons in the FBU, excluding the parent, from the maximum aid for the persons in the FBU, including the parent. To this difference add any allowable recurring special needs for the excluded parent if such needs are verified. The maximum amount allowed for recurring special needs for the excluded parent shall not exceed \$10.

.313 Subtract the figure determined in .312 from income determined in .311 above. The remaining amount is income to the FBU.

Example: A parent with earned income is excluded from the FBU which consists of three children. Monthly gross earned income is \$350. The parent works 100 hours or more and at least thirteen days per month. Assume MAP for 3 is \$506 and MAP for 4 is \$601.

Gross Income	\$350
Standard Work Expense Disregard (Amount allowable under See Section 44-113.214)	<u>-\$75</u>
Net Income	\$275

MAP for 4	\$601 *
MAP for 3	<u>-\$506 *</u>
MAP Differential	\$ 95

Verified Special Needs	9
	\$104.

Net Income	\$275
MAP Differential + Verified Special Needs	-104
Income to FBUs	\$171
MAP for 3	\$506 *
Income to FBUs Grant	-171
	\$335

*MAP amounts are subject to change. Use currently applicable amounts specified in 44-315.411.

- .314 When an excluded parent's needs are met by a stepparent, that portion of the excluded parent's income counted as income to the FBUs is determined by subtracting from gross income all disregards allowed in Section 44-113 except the \$30 and 1/3 or, as applicable, the \$30 disregard. The remainder is income to the FBUs.

Authority: Welfare and Institutions Code Sections 10553 and 10554; Stats. 1984, Chapter 1447, Section 14.

Reference: Public Law 98-369, Sections 2622 and 2623 (July 18, 1984) 98 Stat. 1134, 1984 U.S. Code Congressional and Administrative News No. 5A; 45 CFR Sections 233.20(a)(11)(i)(B) and 233.20(a)(11)(ii)(B) (49 Federal Register 35601, September 10, 1984).

Authority: Welfare and Institutions Code Sections 10553 and 19554; Stats. 1984, Chapter 147, Section 14.

The dependent care expense disallowed in Section 44-13-215 and the \$30 and 1/3 and as explained in the \$30 disallowed in Section 44-13-216 and 44-13-217 shall not be allowed.

When the hours and days are reported on the CA-7, but not on the reportable hours or less than 13 days in the same period, all over a \$50 disallowed.

When the stepparent worked less than 100 hours and at least 13 days in the same period, all over a \$75 disallowed.

When the stepparent worked at least 100 hours or less than 13 days in the same period, all over a \$50 disallowed.

(a) Determine the stepparent's net nonexempt income according to the following:

Chapter 44-1004 however, when determining net earned income of forty the stepparent work expense disallowed in the stepparent's home, which the stepparent shall be entitled to a work expense disallowed as follows:

• 631 The stepparent's income determined as follows: (Continued)

• 63 Computation of income to the FAU (Continued)

• 6 Income in cases where a stepparent resides in the home. (Continued)

44-133 TREATMENT OF INCOME - AFDC (Continued)

(20) Amend MPP Sections 44-133.631(a) to read:

Reference: Public Law 98-369, Sections 2622 and 2623 (July 18, 1984) 98 Stat. 1134, 1984 U.S. Code Congressional and Administrative News No. 6A; 42 USC Section 602(a)(31); 45 CFR Section 233.20(a)(11)(i)(B) and 233.20(a)(11)(ii)(B) (49 Federal Register 35601, September 10, 1984); 45 CFR Section 233.20(a)(3)(xiv)(A).

(21) Amend MPP Sections 44-133.91 and .93 to read:

44-133 TREATMENT OF INCOME - AFDC (Continued)

44-133

- .9 Income in cases where the spouse of an aided married child resides in the home and is excluded from the FBU.

If the spouse of an aided married child resides in the same home as the married child and is excluded from the FBU, a portion of the spouse's income is income to the Family Budget Unit (FBU). This portion is determined as follows:
(Continued)

- .91 Determine the spouse's net nonexempt income according to Chapter 44-100. Allow earned income disregards in Section 44-113, except the \$30 and 1/3 or as applicable, the \$30 disregard.
- .92 Subtract the maximum aid for the number of persons in the FBU excluding the spouse from the maximum aid for the persons in FBU including the spouse. To this difference add any allowable recurring special needs for the spouse if such needs are verified. The maximum amount allowed for recurring special needs for the spouse shall not exceed \$10.
- .93 Subtract the figure determined in .92 from income determined in .91 above. The remaining amount is income to the FBU.

Example: A spouse of an aided married child resides with the FBU which consists of three people. The spouse works 100 hours or more and at least thirteen days per month.

The spouse's monthly gross earned income is \$350. Assume the MAP for 3 is \$506 and MAP for 4 is \$601.

Gross Income	\$350
Standard Work Expense Disregard (Amount allowable under <u>See Section 44-113.214</u>)	<u>\$75</u>
Net Income	\$275
MAP for 4	\$601 *
MAP for 3	<u>-506</u> *
Difference in MAPs	\$ 95
Verified Special Needs	+ 9
	<u>\$104</u>

Net Income	\$275
Difference in MAPs + Verified	
Special Needs	<u>-104</u>
Income to FBU	<u>\$171</u>
MAP for 3	\$506 *
Income to FBU	<u>-171</u>
Grant	<u>\$335</u>

*These MAP amounts are subject to change. Use current MAP values for the appropriate size FBU specified in 44-315.411.

Authority: Welfare and Institutions Code Sections 10553 and 10554; Stats. 1984, Chapter 1447, Section 14.

Reference: Public Law 98-369, Sections 2622 and 2623 (July 18, 1984) 98 Stat. 1134, 1984 U.S. Code Congressional and Administrative News No. 6A; 45 CFR - Sections 233.20(a)(11)(i)(B) and 233.20(a)(11)(ii)(B) (49 Federal Register 35601, September 10, 1984).

(22) Amend MPP Section 44-207.113, .121 and .2 to read:

44-207 INCOME ELIGIBILITY

44-207

.1 General (Continued)

.113 The amount of ±50 185% of the MBSAC shall be computed by multiplying the appropriate MBSAC amount by a factor of ±51.85 and if the product does not end in a whole dollar amount, a remainder of 50 cents or more shall be rounded off to the next whole dollar and a remainder of 49 cents or less shall be disregarded.

(a) Effective October 1, 1984, the amount of ±50 185 percent of the MBSAC shall be as follows:

Size of FBU	<u>±50 185% of Minimum Basic Standard of Adequate Care</u>		
1	\$	408	<u>503</u>
2		672	<u>829</u>
3		833	<u>1,027</u>
4		990	<u>1,221</u>
5		<u>±130</u>	<u>1,393</u>
6		<u>±271</u>	<u>1,567</u>
7		<u>±394</u>	<u>1,719</u>
8		<u>±520</u>	<u>1,874</u>
9		<u>±647</u>	<u>2,031</u>
10		<u>±790</u>	<u>2,207</u>

.12 Determination of Income Source (Continued)

.121 If the income is received from a recurring income source, apply the ±50 185 percent income limit (See .2 below). If income does not exceed the ±50 185 percent limit, determine financial eligibility (See .3 below).

.122 (Continued)

.13 (Continued)

.2 ±50 185 Percent Income Limit for Eligibility

.21 Description of ~~±50~~ 185 Percent Income Limit

The FBU is ineligible any month in which the total reported or anticipated gross income of the family for that month exceeds ~~±50~~ 185 percent of the combined Minimum Basic Standard of Adequate Care (MBSAC) and the value of any special needs. When the gross income includes the income of a parent living in the home but not included in the FBU, the MBSAC shall be increased by one (1) for such individual.

.211 After application of the appropriate exemptions and exclusions not otherwise precluded by this section, income considered in the ~~±50~~ 185 percent income limit is the total of gross income as defined in Chapter 44-100. For purpose of the ~~±50~~ 185 percent income limit, the following exceptions shall apply:

- (a) The standard work expense, dependent care expense and the \$30 and 1/3 and, as applicable, the \$30 disregards shall not be applied to earned income. See Section 44-113.2.
- (b) The child support collected by the county shall be included in gross income, except as specified in Section 44-111.47. See Section 43-20~~t~~-32.
- (c) The total gross income of excluded parents, without the disregards and exemptions in Section 44-133.3 shall be included in gross income. Only actual EIE received is counted in the gross income of excluded parents.
- (d) The gross earnings of children who are full-time students and/or earnings of children shall be included if these children are included in the FBU. See Section 44-111.22. A child's earnings derived from participation in JTPA programs shall be disregarded for up to six months per calendar year (see Sections 44-111.21 and .22). Up to 12 months of disregards are available per calendar year but no more than six months are available for JTPA-related employment and another six months for non-JTPA-related employment. Income other than earnings, Unearned

income of a child derived from participating in JTPA is totally disregarded with no limitation on time. See Section 44-111.3c.

- (e) The gross income from self-employment shall be adjusted for expenses directly related to production of goods and services before it is counted as gross income. (See Section 44-113.212.)

.22 Applying the ~~±50~~ 185 Percent Income Limit

The ~~±50~~ 185 percent income limit shall be applied to reported income and anticipated income.

.221 Reported Income

- (a) When the income for the budget month reported on the Monthly Eligibility Report (CA 7) exceeds the ~~±50~~ 185 percent income limit for that month, the FBU shall be ineligible.
- (b) When the income results in ineligibility for the FBU and it appears that this level of income will continue, the aid shall be discontinued as soon as administratively possible. Any aid payments received for the month the excess income was received and for the subsequent month are overpayments.
- (c) When the income results in ineligibility for the FBU and it appears this level of income will not continue, the FBU's aid payment shall be suspended for the payment month. (See Section 44-315.6.)
- (d) When the income received in the first or second month of aid exceeds the ~~±50~~ 185 percent income limit and it appears this level of income will not continue, any aid payment received by the FBU in the month the excess income was received is an overpayment. See Section 44-313.1.

.222 Anticipated Income

- (a) The ~~±50~~ 185 percent income limit shall be applied to the county's estimate of total

gross income expected to be received in the payment month.

- (b) When the estimated income exceeds the ±50 185 percent income limit, the FBU shall be ineligible for the payment month and aid shall be discontinued. For a month in which income is to be retrospectively budgeted (see Section 44-313.2) and for purposes of applying Section 44-207.222 only, estimated income shall not include the anticipated receipt of a regular and periodic extra paycheck.
- (c) When aid is discontinued because the estimated total income is expected to result in ineligibility and the recipient reports this amount of income is not actually received, the county shall rescind the discontinuance and issue the correct grant.

Authority: Welfare and Institutions Code Sections 10553 and 10554; Stats. 1984, Chapter 1447, Section 14.

Reference: Welfare and Institutions Code Sections 11008.15 and 11267 (Stats. 1984, Chapter 1447, Sections 3 and 7); Public Law No. 98-369, Sections 2623, 2629, and 2640, (July 18, 1984) 98 Stat. Sections 1134, 1137, and 1145, 1984 U.S. Code Congressional and Administrative News No. 6A; 45 CFR Sections 233.20(a)(3)(xiii), 233.20(a)(3)(xiv), 233.20(a)(4)(ii)(j), 233.20(a)(6)(ix) and 233.20(a)(11)(i)(B) and (ii)(8) (49 Federal Register 35600-35601, September 10, 1984).

(23) Amend MPP Section 44-352.121 to read:

44-352 OVERPAYMENT RECOUPMENT (Continued)

44-352

.1 Calculation of the Overpayment (Continued)

.12 Overpayment due to income or need or circumstances other than excess property (Continued)

- .121 Compute the correct grant amount based on correct information for the month involved in the overpayment. If the recipient was totally ineligible for that month, the correct grant amount is zero (0).

In this computation, allow all earned income disregards (including the \$30 and 1/3 and, as applicable, the \$30 disregard) which would have been allowed if the grant had been computed correctly. If the overpayment occurred after October 1981 and was discovered on or after April 2, 1982 and if the overpayment is due to any earned income that the recipient failed, without good cause, to report timely, no earned income disregards shall be allowed for that individual in that month (see Section 44-113.2178).

Authority: Welfare and Institutions Code Sections 10553 and 10554; Stats. 1984, Chapter 1447, Section 14.

Reference: Public Law 98-369, Section 2623 (July 18, 1984) 98 Stat. 1134, 1984 U.S. Code Congressional and Administrative News No. 6A, 45 CFR 233.20(a)(11)(i)(B) and (ii)(B) (49 Federal Register 35601, September 10, 1984).

FACE SHEET
(OAL-4)

(See Instructions on Reverse)

ORD #583-35

REGULATORY FILING

SEP 7 2 14 PM '84

ADMINISTRATIVE LAW

ENDORSED
APPROVED FOR FILING

SEP 27 1984

Office of Administrative Law

LEAVE BLANK

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

1. ATTACHED ARE REGULATIONS ADOPTED,
AMENDED OR REPEALED BY:

Department of Social Services
(AGENCY)
BY: *Linda S. McMahon*
(AGENCY OFFICER AUTHORIZED TO SUBMIT REGULATIONS)

8409074
FILED
In the office of the Secretary of State
of the State of California

SEP 28 1984
At 4:00 o'clock P.M.
MARCH FONG EU, Secretary of State
By *Margie Hirschberger*
Deputy Secretary of State

LEAVE BLANK

AGENCY CONTACT PERSON AND POSITION

Diane Moritz Glazer, Analyst

TELEPHONE

3-0885

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

SECTIONS AMENDED MPP 11-005.41; 29-400; 40-125.82; 44-315.72; 44-317.622; 44-319.2;
Title: *22* 45-101.1; 45-201.111(b) (3), (c); 45-201.2, .3, .412, .44, .5; (continued on attached)
SECTIONS ADOPTED

MPP 40-129.23

SECTIONS REPEALED MPP 43-105.22, .23; 44-221; 45-101.1(j) and (k); 45-202.63;
45-203.62; 45-302.221

3. TYPE OF ORDER (CHECK ONE)

Regular

Emergency
(Attach Finding of Emergency)

Certificate of Compliance

Other Regulatory Actions:

Procedural and Organizational Change

Editorial Correction

Authority and Reference Citation Change

4. IS THIS ORDER A RESUBMITTAL OF A PREVIOUSLY DISAPPROVED OR WITHDRAWN REGULATION?

No

Yes, if yes give date of previous filing July 2, 1984

5. IS THIS FILING A RESULT OF THE AGENCY'S REVIEW OF EXISTING REGULATIONS?

No

Yes

6. IF THESE REGULATIONS REQUIRED PRIOR REVIEW AND APPROVAL BY ANY OF THE FOLLOWING AGENCIES,
CHECK THE APPROPRIATE BOX OR BOXES.

State Fire Marshal
(Attach Approval)

Building Standards Comm.
(Attach Approval)

Fair Political Practices Comm.
(Include FPPC Approval Stamp)

Department of Finance
(Attach STD. Form 399)

7a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER

December 30, 1983

b. DATE OF ADOPTION OF REGULATION(S)

September 5, 1984

c. DATES OF AVAILABILITY OF MODIFIED
REGULATION(S) (GOV. CODE SEC. 11346.8(c))

August 17, 1984 to August 31, 1984

8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR?

No

Yes

9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTIONS
ON REVERSE)

a. Effective 30th day after filing with the Secretary of State.

b. Effective on _____ as required by statutes: (list) _____

c. Effective on October 1, 1984 (Designate effective date **earlier than** 30 days after filing with the Secretary
of State pursuant to Government Code Section 11346.2(d).)

Request Attached

d. Effective on _____ (Designate effective date **later than** 30 days after filing with the Secretary of
State.)

INSTRUCTIONS FOR STD 400 (OAL-4)

A completed Face Sheet for Filing Regulations With the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer authorized to submit regulations.

Part 1. Provide agency name and signature of the agency officer. Also provide the name and telephone number of the person who can answer questions regarding this regulatory filing.

Part 2. Provide the Administrative Code Title in which the regulation will appear and list each section number to be amended, adopted, or repealed.

(Attach additional sheets if necessary.)

Part 3. Check appropriate box. If other than a regular or emergency filing or certificate of compliance, check the appropriate box under "Other Regulatory Action." Note: Procedural and organizational changes, editorial corrections and authority and reference citation changes are reviewed and are subject to OAL approval.

Part 4. Check appropriate box.

Part 5. Regulatory activity resulting from the agency's review of existing regulations should be submitted in a separate filing. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.

Part 6. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:

- a. Fire and panic safety regulations (Gov. Code Sec. 11342.3).
- b. Building standards as defined in Section 18969 of the Health and Safety Code (Gov. Code Sec. 11343).
- c. Conflict of Interest regulations (Gov. Code Sec. 87300 et seq.).

Note: Regulations that have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts should be discussed with the Department of Finance. See Government Code Sections 11346.5(a) (6), 11349.1 and S.A.M. Sections 6050–6057.

Part 7. a. Provide the publication date of the Notice Register in which the initial notice regarding these regulations appeared.

b. Provide the date on which the regulatory agency adopted the regulation(s).

c. If the regulations were modified subsequent to the hearing or written comment period, provide the date the modified regulations were made available to the public. Note that this date must be at least 15 days prior to the date indicated in (b.) above.

Part 8. Check appropriate box. This information is for statistical purposes.

Part 9. Effective Dates—check one of the following:

- a. If regulations are to be effective 30 days after filing with the Secretary of State.
- b. If an effective date other than (a.) is required by statute, provide the date and the statutory citation(s).
- c. If a designated effective date is being requested, please include a letter specifying the date the regulation(s) should take effect and the reason for the earlier effective date. Requests are granted by OAL for good cause shown.
- d. If an effective date later than (a.) is requested, provide the date.

Filing Requirements

The following material must be submitted when filing regulations with OAL:

- Seven (7) copies of the regulations. Note: Use underline/strikeout to indicate changes in an existing section. Repeal of an entire section may be indicated by placing a diagonal slash through text. For adoption of new section, underscore is not required.
- A completed Face Sheet for Filing Regulations With the Office of Administrative Law, form STD 400 (OAL-4) attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Government Code Section 11347.3 for full list of rulemaking file contents and Appendix 13 of OAL Regulations Handbook for a rulemaking file checklist.)

Continuation of Sections Amended

45-202.44, .512, .516, .53, .61; 45-203.313, .32, .33, .41, .42, .51; 45-302.11, .431(a); 45-303, .1; 45-402.11(b), (d); 45-403.2

Amend Section 11-005.41 to read:

11-005 GOAL FOR CHILDREN IN FOSTER CARE MORE THAN TWENTY-FOUR MONTHS (Continued) 11-005

*4 Specific Goal (Continued)

- *41 The goal for the maximum number of children who have been in foster care for more than twenty-four months for the period of October 1, 1983 through September 30, 1984 shall be 77500 children or 29 40 percent of the AFDC-FC caseload, excluding guardianship cases.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Section 11409; 42 USC 671.

Amend Section 29-400 to read:

29-400 AFDC-FOSTER CARE (FC) AGREEMENTS AND CONTRACTS 29-400

INTRODUCTION

This section outlines the mandatory provisions based on State and Federal requirements that counties must use when the county welfare department contracts with the county probation department for foster care services.

- 1 AFDC-FC agreements required in EAS Section 45-202.612, 45-202.614, 45-203.512, and 45-203.515 shall be executed on a written document prescribed by the Department which specifies:
 - 11 A description of the population of children to which the agreement applies;
 - 12 A description of the types of services to be provided by and responsibilities of each agency;
 - 13 The conditions under which AFDC-FC assistance shall be paid; and
 - 14 That the probation department or licensed adoption agency will safeguard information in accordance with Welfare and Institutions Code Section 10350.
- 2 The county welfare department shall:
 - 21 Execute a new agreement with the probation department or licensed adoption agency within 90 days of notification by the Department that the content of the agreement has been revised as a result of a change in federal and/or state law; and
 - 22 Send a copy of any newly-executed agreement to the Department within 10 working days of the date of execution.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 11209.

Reference: Welfare and Institutions Code Sections 11401 and 11404.

Amend Section 40-125.82 to read:

40-125 PROCESSING APPLICATIONS, REAPPLICATIONS, AND 40-125
RESTORATIONS (Continued)

*3 Child Residing in Foster Care (Continued)

- *82 The county of responsibility for a child accepted for voluntary placement by a county welfare department or a licensed public or private adoption agency is the county in which such the agency which accepted the voluntary placement is located.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 11209.

Reference: Welfare and Institutions Code Section 11400.

Adopt Section 40-129.23 to read:

40-129 IMMEDIATE NEED (Continued) 40-129

.2 Definition of Immediate Need (Continued)

.23 Children placed in foster care are not considered to be in immediate need as defined in Section 40-129.2 above.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 11209.

Reference: Welfare and Institutions Code Sections 11267 and 11400; 22 CAC 80062.

Repeal MPP Sections 43-105.22 and .23:

43-105 RESPONSIBILITY FOR SUPPORT (Continued) 43-105

.2 Parents of Minor Parents (Continued)

.22 Special Exception when a Pregnant Child is placed in a Maternity Home

The parents of a pregnant child who is under 21 years of age and who has been placed in a licensed institution for maternity care are not financially responsible for the costs of maternity home care or related prenatal services. No financial contribution can be requested from the pregnant child's parent(s). The CwD shall not refer such parent(s) to the District Attorney for a determination of the financial liability of the parent(s). In order for this section to apply:

- 221 The child must be placed in the institution pursuant to a social services plan developed in accordance with Section 30-200 (Out-of-Home Care Services for Children). This means that there must be a court order or the parent(s) of the pregnant child must enter into a voluntary agreement with the CwD for placement of their child.
 - 222 The child must be pregnant.
 - 223 The child must be placed in a licensed institution which provides maternity care and related prenatal services.
- 23 The provisions of •22 above are to be applied to applicants/recipients effective October 1, 1976. This means that any involuntary financial contribution received on or after October 1, 1976 shall be returned. Any referrals to the District Attorney now prohibited by •22 above shall be withdrawn.

The elimination of financial responsibility under •22 above does not supersede any other eligibility criteria for AFDC-BHI.

The provisions of Section 43-105.22 extend only through December 31, 1977.

Authority: Welfare and Institutions Code Sections 10553,
10554, and 11209.

Reference: Welfare and Institutions Code Sections 10554 and
16147.

Repeal Section 44-221:

44-221 MINIMUM NEED -- CHILD IN FOSTER CARE

44-221

AFDC When a child is living in foster care and receiving AFDC-FE his or her minimum need is the family home or group home rate established in accordance with Section 44-225.

For other requirements relating to AFDC-FE payments see Sections 44-267 (Special Needs) and Chapter 45-380 (Payee Payment and Disbursement).

Authority: Welfare and Institutions Code Sections 10553, 10554, and 11209.

Reference: Welfare and Institutions Code Section 10554.

Amend Section 44-315.72 to read:

44-315 AMOUNT OF AID (Continued)

44-315

.7 (Continued)

.72 Additionally, prior to the end of each budget period, the county shall request updated information from recipient families concerning all changes affecting eligibility and grant in that budget period or expected changes in subsequent budget periods. For all AFDC recipients except AFDC-BHFC, such information shall be reported on the CA 7. If the recipient fails to provide the report requested by the county by the deadline provided by Section 40-181.22, then the recipient's grant will be terminated in accordance with Operations Manual Section 22-022. Though the CA 7 is not applicable to AFDC-BHFC, every effort shall be made by the county to insure that foster parents and children are aware of the necessity to report any change in need or income for the child.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 11209.

Reference: Welfare and Institutions Code Section 10553 and 11400.

Amend Section 44-317.622 to read:

44-317 BEGINNING DATE OF AID (Continued)

44-317

•6 Intraprogram Status Changes (Continued)

•62 Transfers Between AFDC (FG or U) and AFDC-FC (Continued)

•622 When a child in a FBU is moved to foster care, the effective date of AFDC-FC assistance is the date he/she is placed in an AFDC-FC eligible facility a family home or group home and is otherwise AFDC-FC eligible.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 11209.

Reference: Welfare and Institutions Code Section 11401.

Amend Section 44-319.2 to read:

44-319 INITIAL PAYMENTS (Continued)

44-319

•2 when Initial Payment is Made (Continued)

An initial payment shall be delivered within the month for which aid is granted or restored, or not later in the following month than the time such payment is required to be delivered in accordance with Section 44-305.2~~4~~ 45-303.1.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 11209.

Reference: Welfare and Institutions Code Section 10554.

the physical health, mental health, safety, or welfare of the minor.

- (C) The placement worker notifies the licensing agency of the proposed placement and determines that the foster family home applicant has filed specific license application documents prior to and after the placement of the minor. If the license is subsequently denied, the minor shall be removed from the home immediately. The denial of the license constitutes a withdrawal of the certification.
- (3) A family home which is located on an Indian reservation; which is used only for the placement of an Indian child(ren); and which has been approved or specified by that Indian child's tribe.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 11209.

Reference: Welfare and Institutions Code Sections 10554, 11401, 11402 and 11404; 25 USC 1915.

Amend Section 45-101.1(g) to read:

45-101 DEFINITIONS (Continued)

45-101

•1 (Continued)

(g) Court Order means only the judicial determinations specified in either (1) or (2) below and made by the juvenile court or by an Indian Tribal Court which has jurisdiction over civil actions on an Indian reservation. In California, the filing of a petition commences proceedings in a juvenile court. If the petition is not dismissed, the following two categories of judicial orders apply:

- (1) Detention order means the order issued by the juvenile court pursuant to Welfare and Institutions Code Section 329 319 or 636 which permits detention of a child pending a jurisdictional hearing to determine whether the child is to be made a dependent or ward of the court. A detention order is limited to 15 judicial days unless continued by the court. A judicial day is a day on which the court is in session, i.e., not a weekend or court holiday.
- (2) Jurisdictional and Dispositional Orders means the orders issued by the juvenile court which declare the child a dependent or ward of the court and designate to whom the child is to be released.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 11209.

Reference: Welfare and Institutions Code Sections 319 and 10554.

Repeal Sections 45-101.1(j) and (k):

45-101 DEFINITIONS (Continued)

45-101

.1 (Continued)

- tjt Direct Court Order means a dispositional order in which the juvenile court pursuant to Welfare and Institutions Code Sections 362 et seq., 362a et seq., 727 et seq., or 730 or 731 as they refer to Section 727 et seq., commits the child to the care, custody and control of a specific person of good moral character who consents to such placement. In such court orders, responsibility for care, custody and control has not been delegated to the county welfare department or the county probation officer but to the person named in the order.
- tkt Direct Court Placement means a placement which is the result of a direct court order.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 11209.

Reference: Welfare and Institutions Code Sections 10554 and 11404.

Renumber Sections 45-101.1(1) through (aa), and amend Section 45-101.1(w) to read:

45-101 DEFINITIONS (Continued)

45-101

.1 (Continued)

~~t+11~~ Dispositional Order--See definition of "Court Order".

~~t+1k~~ Eligible Facility means a home that meets the requirements of the AFDC-FC program and in which an eligible child may be placed.

~~t+1l~~ Exclusive-Use Home means a family residence certified by a licensed homefinding agency and issued a certificate of approval by that agency as meeting licensing standards, and used exclusively by that homefinding agency for placements.

~~t+1m~~ Family Home means the family residence of a licensee in which 24-hour care and supervision are provided for children and which is licensed by the appropriate community care licensing agency, or a family residence which is approved and which provides such care and supervision.

~~t+1n~~ Family Reunification Services means services provided to the family and the child in foster care placement for the purpose of safely returning the child to his or her family.

~~t+1o~~ FFP means federal financial participation and is participation by the federal government in sharing the cost of AFDC-FC payments.

~~t+1p~~ Foster Care means the 24-hour out-of-home care provided to children whose own families are unable or unwilling to care for them and who are in need of temporary or long-term substitute parenting.

~~t+1q~~ Funding Restriction means either that (a) a ceiling is imposed, in accordance with the Adoptions Assistance and Child Welfare Act of 1980 (P.L. 96-272), on federal matching funds under the AFDC-FC Program due to the federal appropriation in Child Welfare Services; or that (b) Congress has appropriated insufficient funds to cover the full federal match of all audited claims submitted to the federal government for payment.

tetrl Group Home means a non-secure, privately operated residential home of any capacity, including a private child care institution, that provides services in a group setting to children in need of care and supervision, and which is licensed as a community care facility by the department.

tet(s) Homefinding Agency means any individual or organization licensed by the department and which is engaged in finding exclusive-use homes for placement of persons of any age for temporary or permanent care, or adoption.

tet(t) Jurisdictional Order--See definition of "Court Order".

tet(u) Legal Guardian means the individual appointed:

tet Guardian for a minor by a juvenile court pursuant to Welfare and Institutions Code Section 366.25tet

tet(l) gGuardian of the person or of the person and estate of a child by a California court pursuant to California Probate Code Section 1514 or Section 1440 if guardianship was established prior to January 1, 1984 or

tet(2) the individual similarly appointed by a court of competent jurisdiction of a different state. Legal guardianships established under Welfare and Institutions Code Section 366.25tet between October 1, 1982 and the effective date of this regulation shall be deemed to meet the requirements of this regulation.

Generally in California, the legal guardian receives Letters of Guardianship pursuant to:

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1. Probate Code Section 1514, or Section 1440 if guardianship was established prior to January 1, 1984; or
2. Welfare and Institutions Code Section 366.25(e).

Letters of Guardianship do not necessarily specify the code sections under which the guardianship was established.

tet(v) Periodic Review means a review of the child's status which is conducted by the juvenile court, an Indian

Tribal court which has jurisdiction over civil actions on an Indian reservation, or an administrative panel. Such review shall include:

- (1) a determination of the continuing need for placement in foster care;
- (2) an evaluation of the goals for the placement and the progress towards meeting such goals; and
- (3) a target date for the child's return home or establishment of an alternate permanent placement.

~~tet(w)~~ Permanent Placement Services means services provided to the child for the purpose of locating and maintaining a placement that can be expected to be permanent, such as adoption, establishment of legal guardianship or long-term foster care.

~~tet(x)~~ Permanency Planning Hearing means a hearing conducted by the juvenile court or an Indian Tribal court which has jurisdiction over civil actions on an Indian reservation. The purpose of the hearing shall be to establish and maintain a plan for the child's permanent living arrangement, including family reunification, adoption, establishment of a legal guardianship, or long-term foster care.

~~tet(y)~~ Petition to Terminate Parental Rights means the action under Civil Code Section 232 or 7017 initiated by a licensed public or private adoption agency or the department on behalf of a child. The petition to terminate parental rights has been granted when the court has issued an order terminating parental rights under Section 232 or the court has issued an order under subdivision (d) or (e) of Section 7017 terminating the parental rights of all alleged fathers.

~~tet(z)~~ Placement Agency means the agency with responsibility for placement and care of an AFDC-FC eligible child.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 11209.

Reference: Welfare and Institutions Code Section 10554.

Amend and renumber Sections 45-101.1(cc) through (mm) to read:

45-101 DEFINITIONS (Continued)

45-101

.1 (Continued)

~~tee~~(aa) Placement and Care means either:

- (1) The responsibility for the welfare of a child vested in an agency or organization by virtue of such agency or organization having:
 - (A) Been delegated care, custody, and control of a child by the juvenile court,
 - (B) Taken responsibility pursuant to a relinquishment or termination of parental rights on a child,
 - (C) Taken the responsibility of supervising a child detained by the juvenile court pursuant to Welfare and Institutions Code Sections 32019 or 636,
 - (D) Signed a voluntary placement agreement for the child's placement; or
- (2) The responsibility designated to an individual by virtue of his or her having been:
 - (a) Appointed the child's legal guardian or,
 - (b) Delegated care, custody and control of the child by the juvenile court by direct court order on or before June 30, 1982.

~~tee~~(bb) Placement Worker means the individual(s) within the placement agency responsible for the placement, supervision, services case management and provision of services to an AFDC-FC eligible child. This refers to the county welfare department social services worker, county probation officer, or the adoptions worker of a licensed public or private adoption agency or a district adoptions office of the department.

~~tee~~(cc) Preplacement Preventive Services means services provided to the child and his or her family prior to placement into foster care for the purpose of preventing or eliminating the need for removal.

ffff(dd) Public Child Care Institution means a publicly-operated, nonsecure child care facility which has a licensed capacity not exceeding twenty-five children and is licensed as a residential community care facility by the department.

ffff(ee) A Relative means:

- (1) A person related to the child by virtue of being one of the following:
 - (A) The father, mother, brother, sister, half-brother, half-sister, uncle, aunt, first cousin, nephew, niece, or any such person of a preceding generation denoted by the prefixes grand-, great-, or great-great-.
 - (B) The stepfather, stepmother, stepbrother or stepsister.
 - (C) The spouse of any person named in (A) or (B) above even after the marriage has been terminated by death or dissolution.
- (2) The child's birth parents and relatives specified in (1)(A) through (C) above for a child who has been relinquished by one or both parents or for whom the rights of one or both parents have been terminated, but for whom the adoption is not finalized.
- (3) The adoptive relatives specified in (1)(A) through (C) above for a child who has been legally adopted.

ffff(ff) Relinquished Child means a child who has been given up for adoption by one or both parents to a licensed public or private adoption agency or to a district adoptions office of the department.

tjjt(gg) Service Plan means "case plan" as defined in Welfare and Institutions Code Section 11400(b) and 45 CFR 1356.21(d).

- | |
|---|
| <ol style="list-style-type: none">(1) Welfare and Institutions Code Section 11400(o) provides that a case plan means a written document in the services case record which at a minimum shall specify+ |
|---|

- (f) How specifies how the child's problems or needs identified in the assessment are to be addressed~~f~~ including:
- (BA) The type of home in which the child shall be placed and the appropriateness of the home for meeting the child's needs~~f~~ and
- (EB) The agency's plan for ensuring that the child, the family and fosterparents care provider receive services in order to meet the child's needs while in foster care and to reunify the child with his or her family or, when reunification is not possible, to facilitate an alternate permanent plan.
- (2) 45 CFR 1356.21(d) provides that the case plan:
- (A) Be a discrete part of the case record which is available to the parent(s) or guardian of the foster child;
- (B) Include a discussion of how the plan is designed to achieve a placement in the least restrictive (most family-like) setting available and in close proximity to the home of the parent(s), consistent with the best interest and special needs of the child; and
- (C) After October 1, 1983, include a description of the services offered and the services provided to prevent the removal of the child from the home and to reunify the family.

+++~~(hh)~~ Voluntary Placement is as defined in Welfare and Institutions Code Section 11400. Voluntary placements which meet the criteria of Welfare and Institutions Code Section 11400 and which occurred between on or after January 1, 1983 and the effective date of this regulation shall be deemed to meet the requirements of this regulations.

Welfare and Institutions Code Section 11400 states in part:

"Voluntary Placement" means an out-of-home placement of a minor by (1) the county welfare department after the parents or guardians have

HANDBOOK

requested the assistance of the county welfare department and have signed a voluntary placement agreement; or (2) the county welfare department, a licensed public or private adoption agency, or the department acting as an adoption agency, after the parents have requested the assistance of either the county welfare department, the licensed public or private agency, or the department acting as an adoption agency for the purpose of adoption planning, and have signed a voluntary placement agreement.

tmm+{ii}) Voluntary Placement Agreement is as defined in Welfare and Institutions Code Section 11400. Voluntary placement and agreements which meet the criteria of Welfare and Institutions Code Section 11400 and which were entered into between on or after January 1, 1983 and the effective date of this regulations shall be deemed to meet the requirements of this regulation.

Welfare and Institutions Code Section 11400 states, in part:

"Voluntary placement agreement" means a written agreement between either the county welfare department, a licensed public or private adoption agency, or the department acting as an adoption agency, and the parents or guardians of a minor which specifies the terms of the voluntary placement.

HANDBOOK

Authority: Welfare and Institutions Code Sections 10553, 10554, and 11209.

Reference: Welfare and Institutions Code Sections 10553, 10554, 11400, and 11404; 45 CFR 1356.21(d).

Amend Section 45-201.111(b)(3) as follows:

45-201 GENERAL AFDC-FC REQUIREMENTS (Continued)

45-201

•1 (Continued)

•11 (Continued)

•111 (Continued)

(b) (Continued)

(3) Attend on a full-time basis either a high school or, if he/she has not completed high school, a vocational-technical training program which cannot result in a college degree as specified in Section 42-101.2 provided he/she can complete either program before reaching age 19.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 11209.

Reference: Welfare and Institutions Code Sections 10554 and 11403.

Amend Section 45-201.111(c) to read:

45-201 GENERAL AFDC-FC REQUIREMENTS

45-201

.1 (Continued)

.11 (Continued)

.111 (Continued)

(c) The child and the placement agency have signed a mutual agreement which documents the continued need for foster care placement. The agreement shall be signed prior to or within the month the child reaches age 18. A mutual agreement shall not be required if the placement is due to a court order which remains in effect or if the child is not capable of making an informed agreement. If the court order is dismissed subsequent to the month in which the child reaches age 18, a mutual agreement must be executed within the month the dismissal occurs.

(1) The income maintenance case record shall contain a statement from the placement worker, on a form prescribed the FC 5 or a substitute form approved by the department, which certifies that the mutual agreement or the court order is in the services case record or that the child is not capable of making an informed agreement. This certification shall occur prior to or within the month the child reaches age 18 and at redetermination of the child's AFDC-FC eligibility.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 11209.

Reference: Welfare and Institutions Code Sections 10554 and 11403.

Amend Section 45-201.2 to read:

45-201 GENERAL AFDC-FC REQUIREMENTS (Continued)

45-201

- 2 The AFDC-FC rate as determined in Chapter 11-400, including amounts for specialized care, shall constitute the need standard for a child receiving AFDC-FC and shall be greater than the child's net nonexempt income as determined in Chapter 44-100. Income received by the child's parents shall not be used to determine the AFDC-FC aid payment unless the parents make their income and/or income the parents receive on behalf of the child available to meet the child's needs. See Section 11-404 for special need payments.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 11209.

Reference: Welfare and Institutions Code Sections 11450, 11452, and 11461; 45 CFR 233.20; 42 USC 602.

Amend Section 45-201.3 to read:

45-201 GENERAL AFDC-FC REQUIREMENTS (Continued)

45-201

- 3 The following child support assignment and cooperation requirements in Section 43-206 and 43-207 shall be met:
- 31 The county shall provide the district attorney with the information specified in •311 through •313 below:
 - 311 A completed referral form;
 - 312 Any information the county has which indicates that the district attorney should not proceed with child support enforcement including an agreement to establish good cause for not cooperating with the district attorney if one has been completed by either or both of the child's parents;
 - 313 Any other forms or information, including a Child Support Questionnaire (CA 2.1), requested by the district attorney.
- 32 The general requirements of Sections 43-200, 43-201.2 and 43-203 shall be met.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 11209.

Reference: Welfare and Institutions Code Section 11476.

Amend Section 45-201.412 to read:

45-201 GENERAL AFDC-FC REQUIREMENTS (Continued)

45-201

.4 (Continued)

.41 (Continued)

.412 Develop a written assessment and service plan within 30 days from the date the agency became involved with the child or the date of the child's most recent removal placement, whichever is later.

(a) Such assessment and service plan shall be updated in conjunction with periodic reviews in .42 below.

(b) Such assessment and service plan for a child living with a nonrelated legal guardian shall be updated no less frequently than once every six months.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 11209.

Reference: Welfare and Institutions Code Sections 11404 and 11405.

Amend Section 45-201.44 to read:

45-201 GENERAL AFDC-FC REQUIREMENTS (Continued)

45-201

•4 (Continued)

- 44 The income maintenance case record shall contain a statement from the placement worker, on a form prescribed by the department the FC 5 or a substitute form approved by the department, which certifies that the above requirements have been met. This certification shall occur at the time of application, at redetermination of the child's AFDC-FC eligibility and when there is a change in the authority for placement.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 11209.

Reference: Welfare and Institutions Code Section 10554.

Adopt Section 45-201.5 to read:

45-201 GENERAL AFDC-FC REQUIREMENTS (Continued)

45-201

•5 The application requirements in Section 40-100 shall be met.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 11209.

Reference: Welfare and Institutions Code Section 10554 and 11050; 45 CFR 206.10

Amend Section 45-202.44 to read:

45-202 FEDERAL AFDC-FC PROGRAM (Continued)

45-202

.4 Authority for Placement (Continued)

- .44 The income maintenance case record shall contain a statement from the placement worker, on a form prescribed by the department the FC 5 or a substitute form approved by the department, which certifies that a copy of the court order is in the services case record. If .432 above applies, the case record shall also contain a statement from the placement worker, on a form prescribed by the department FC 5 or a substitute form approved by the department, which certifies that the child meets the requirements of Section 45-203.311. This certification shall occur at the time of application, at redetermination of the child's AFDC-FC eligibility, and when there is a change in the authority for placement.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 11209.

Reference: Welfare and Institutions Code Section 10554.

Amend Section 45-202.512 to read:

45-202 FEDERAL AFDC-FC PROGRAM (Continued)

45-202

.5 Eligible Facilities (Continued)

.51 Except as provided in .52 below, the child shall be residing in one of the following eligible facilities:
(Continued)

.512 An approved home as defined in Section
45-404.1(b)(2)* which is certified,
license-pending.

Authority: Welfare and Institutions Code Sections 10553,
10554, and 11209.

Reference: Welfare and Institutions Code Section 11402.

Adopt Section 45-202.516 to read:

45-202 FEDERAL AFDC-FC PROGRAM (Continued)

45-202

.5 Eligible Facilities (Continued)

.51 (Continued)

.516 In the case of an Indian child, a facility specified in .511 through .515 above or an approved home located on an Indian reservation as defined in Section 45-101.1(b)(3).

Authority: Welfare and Institutions Code Sections 10553, 10554, and 11209.

Reference: Welfare and Institutions Code Section 11401; 25 USC 1915.

Amend Section 45-202.53 to read:

45-202 FEDERAL AFDC-FC PROGRAM (Continued)

45-202

.5 Eligible Facilities (Continued)

- .53 The income maintenance case record shall contain a statement from the placement worker, on a form prescribed by the department the FC 5 or a substitute form approved by the department, which certifies that the child has been placed in one of the above eligible facilities. This certification shall occur at the time of application, at redetermination of the child's AFDC-FC eligibility, when the child is moved to a different facility and when there is a change in the licensing status of the facility in which the child has been placed.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 11209.

Reference: Welfare and Institutions Code Section 10554.

Amend Section 45-202.61 to read:

45-202 FEDERAL AFDC-FC PROGRAM (Continued)

45-202

.6 Placement and Care (Continued)

- .61 Responsibility for placement and care shall be vested in one of the following agencies:
- .611 A county welfare department.
 - .612 A county probation department, provided there is in effect a written agreement with the county welfare department on a form prescribed by the department as specified in Chapter 29-400 that the services required in Section 45-201.4 shall be performed by the county probation department.
 - .613 A licensed public adoption agency which is the same governmental agency as the county welfare department.
 - .614 A licensed public adoption agency which is a governmental agency separate from the county welfare department, provided there is in effect a written agreement with the county welfare department on a form prescribed by the department as specified in Chapter 29-400 that the services required in Section 45-201.4 shall be performed by that adoption agency.
 - .615 A district adoptions office of the department, provided the services required in Section 45-201.4 are performed by the adoptions office.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 11209.

Reference: Welfare and Institutions Code Sections 10554 and 11404.

Repeal Section 45-202.63:

45-202 FEDERAL AFDC-FC PROGRAM (Continued)

45-202

.6 (Continued)

*63 FFP is not available in direct court placements as the placement and care requirement in *61 above is not met.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 11209.

Reference: Welfare and Institutions Code Section 11404.

Amend Section 45-203.313 to read:

45-203 STATE AFDC-FC PROGRAM (Continued)

45-203

•3 Authority For Placement (Continued)

•31 (Continued)

•313 The child was placed pursuant to a court order which remains in effect (see Special Provisions in Section 45-203.62).

Authority: Welfare and Institutions Code Sections 10553, 10554, and 11209.

Reference: Welfare and Institutions Code Section 11404.

Amend Section 45-203.32 to read:

45-203 STATE AFDC-FC PROGRAM (Continued)

45-203

•3 Authority for Placement (Continued)

- 32 The authority for placement as described under •31 shall be considered to continue for a child aged 18- $\frac{1}{2}$, who was in placement under an authority for placement specified in •311 through •314 above prior to reaching age 18, provided the requirements of Section 45-201.111 are met.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 11209.

Reference: Welfare and Institutions Code Section 11403.

Amend Section 45-203.33 to read:

45-203 STATE AFDC-FC PROGRAM (Continued)

45-203

•3 (Continued)

•33 The income maintenance case record shall contain a statement from the placement worker, on a form prescribed by the department the FC 5 or a substitute form approved by the department, which certifies that:

•331 The child meets the authority for placement requirement in •311ta, tbt or tet above; or

•332 A copy of one of the following documents granting authority for placement is in the services case record:

(a) Letters of Guardianship of the Person or of
the Person and Estate, issued pursuant to
the California Probate Code Section 2310,
or Section 1481 if guardianship was
established prior to January 1, 1987, or
their equivalent if guardianship was
established in a state other than
California.

(b) The court order.

(c) The voluntary placement agreement.

This certification shall occur at the time of application, at redetermination of the child's AFDC-FC eligibility and when there is a change in the authority for placement.

Authority: Welfare and Institutions Code Sections 10553,
10554, and 11209.

Reference: Welfare and Institutions Code Sections 11405 and
10554.

Amend Section 45-203.41 to read:

45-203 STATE AFDC--FC PROGRAM (Continued)

45-203

.4 Eligible Facilities (Continued)

.41 The child ~~must shall~~ be residing in one of the following eligible facilities:

- .411 The approved home of a nonrelated legal guardian or a person named in a ~~street court~~ order.
- .412 An approved home as defined in Section 45-101.1(f)(2) which is certified, license pending.
- .413 A family home licensed by the appropriate community care licensing agency.
- .414 An exclusive-use home certified as meeting licensing standards by a homefinding agency that is licensed by the department.
- .415 A private, profit or nonprofit group home licensed by the department, provided the placement worker has determined that such placement is necessary to meet the treatment needs of the child and that the facility offers such treatment services.
- .416 In the case of an Indian child, a facility specified in .411 through .415 above or an approved home located on an Indian reservation as defined in Section 45-101.1.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 11209.

Reference: Welfare and Institutions Code Sections 11401, 11402, and 11404; 25 USC 1915.

Amend Section 45-203.42 to read:

45-203 STATE AFDC--FC PROGRAM (Continued)

45-203

.4 Eligible Facilities (Continued)

- .42 The income maintenance case record shall contain a statement from the placement worker, on a form prescribed by the department the FC 5 or a substitute form approved by the department, that the child has been placed in one of the above eligible facilities. This certification shall occur at the time of application, at redetermination of the child's AFDC-FC eligibility, when the child is moved to a different facility and when there is a change in the licensing status of the facility in which the child has been placed.

Authority: Welfare and Institutions Code Sections 10554 and 11209.

Reference: Welfare and Institutions Code Section 10554.

Amend Section 45-203.51 to read:

45-203 STATE AFDC--FC PROGRAM (Continued)

45-203

.5 Placement and Care

- .51 Except for children living with nonrelated legal guardians in direct court placements or placed voluntarily prior to the effective date of the regulations establishing EAS Division 45-January 1, 1982, responsibility for placement and care shall be vested in one of the following agencies:
- .511 A county welfare department.
 - .512 A county probation department, provided there is in effect a written agreement with the county welfare department, on a form prescribed by the department as specified in Chapter 29-400, that the services required in Section 45-201.4 shall be performed by the county probation department.
 - .513 A licensed public adoption agency which is the same governmental agency as the county welfare department.
 - .514 A licensed private adoption agency provided the services required in Section 45-201.4 are performed by the adoption agency.
 - .515 A licensed public adoption agency which is a governmental agency separate from the county welfare department, provided there is in effect a written agreement with the county welfare department, on a form prescribed by the department as specified in Chapter 29-400, that the services required in Section 45-201.4 shall be performed by that adoption agency.
 - .516 A district adoptions office of the department, provided the services required in Section 45-201.4 are performed by the adoptions office.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 11209.

Reference: Welfare and Institutions Code Sections 11401.1, 11404, and 11405.

Repeal Section 45-203.62:

45-203 STATE AFDC--FC PROGRAM (Continued)

45-203

.6 Special Provisions (Continued)

*62 Children in Direct Court Placements

*62† Until June 30, 1982, a child placed in a home pursuant to a direct court placement shall be eligible for AFDC-FC payments provided:

(a) All general AFDC-FC requirements specified in 45-201-1 through 45-201-3 are met;

(b) The state requirements specified in (a) through (c) above are met;

(c) The county welfare department or probation office provides social services as specified in Section 45-201-4.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 11209.

Reference: Welfare and Institutions Code Section 11404.

Amend Section 45-302.11 to read:

45-302 PAYMENT

45-302

.1 SSI/SSP Supplementation

- .11 Notwithstanding Section 44-206(t)(v) tThe county shall have the option of supplementing a child's SSI/SSP grant with state AFDC-FC when the child in foster care placement meets all general and state AFDC-FC requirements, and is not otherwise federally eligible. FFP shall not be available in the AFDC-FC supplement to the SSI/SSP grant.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 11209.

Reference: Welfare and Institutions Code Section 10554.

Repeal Section 45-302.221:

45-302 PAYMENT (Continued)

45-302

.2 Payment Conditions (Continued)

.22 (Continued)

w22‡ When the child resides in an unlicensed and unapproved home pursuant to a direct court order and the social worker or probation officer determines the home is not suited to the child's needs as required in Section 45-101.1f(b)(7) the county shall:

(a) Provide protective services as described in Section 30-1907 as appropriate and

(b) Notify the court that payment of AFDC-FE cannot be made.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 11209.

Reference: Welfare and Institutions Code Sections 10554 and 11404.

Amend Section 45-302.431(a) to read:

45-302 PAYMENT (Continued)

45-302

.4 AFDC-FC Budgeting Methods (Continued)

.43 Budget Computations

.431 Effective April 1, 1970, and operative for all cases not later than July 1, 1970, the foster care grant shall be computed by:

(a) Rounding to the nearest dollar the total net income of the child as determined under Chapter 44-100 and the sum of the county foster care rate and special needs as determined under Sections ~~44-225 and 44-267~~ Operations Manual Chapter 11-400, with total amounts ending in 50 cents or more rounded to the next higher dollar; and

Authority: Welfare and Institutions Code Sections 10553, 10554, and 11209.

Reference: Welfare and Institutions Code Section 10554.

Amend Title of Section 45-303 and Section 45-303.1 to read:

45-303 PAYMENT DELIVERY

45-303

- 1 AFDC-FC payments shall be delivered in one amount no later than the fifteenth of the month following the furnishing of care. Warrants shall not be forwarded or mailed outside the United States, as specified in Section 44-305.21.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 11209.

Reference: Welfare and Institutions Code Section 11002.5.

Amend Sections 45-402.11(b) and (d) to read:

45-402 ELIGIBILITY REQUIREMENTS

45-402

.1 General

.11 (Continued)

- (b) the child is living with a relative as defined in EAS 45-101.1fyt or lived with such relative within six months of application for EA-ANEC#;
- (d) a period for which EA benefits were received by the child/family has not received EA commenced within the 12 months prior to this period of EA eligibility; and

Authority: Welfare and Institutions Code Sections 10553, 10554, and 11209.

Reference: Welfare and Institutions Code Section 10554; 45 CFR 233.120(b)(3).

Amend Section 45-403.2 to read:

45-403 PAYMENTS (Continued)

45-403

- .2 Emergency Assistance payments shall not be made, nor Emergency Assistance services provided by CWD staff, for more than one period of up to 30 consecutive days during any 12-month period for a child and/or the child's family. More than one type of EA-ANEC payment may be made during the 30-day period. EA-ANEC payments may be concurrent with EA-UP payments if eligibility for both exists.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 11209.

Reference: 45 CFR 233.120.

FACE SHEET
(OAL-4)

(See Instructions on Reverse)

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

840814-2

RECEIVED FOR FILING

AUG 14 1984

ENDORSED
OFFICE OF ADMINISTRATIVE LAW

SEP 27 1984

LEAVE BLANK

1. ATTACHED ARE REGULATIONS ADOPTED,
AMENDED OR REPEALED BY:

Department of Mental Health
(AGENCY)

BY:

John Connor, M.D.
(AGENCY OFFICER AUTHORIZED TO SUBMIT REGULATIONS)

FILED
In the office of the Secretary of State
of the State of California

SEP 28 1984

At 4:00 o'clock P.M.

MARCH FONG EU, Secretary of State

By *Marjorie Schlesinger*
Deputy Secretary of State

LEAVE BLANK

AGENCY OFFICER AND POSITION

TELEPHONE

Evon Dixon-Montgomery, Staff Counsel (916) 323-8193

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

SECTIONS AMENDED

Title: 9 540, 541, 542, 543, 545, 548 and 572(b)
SECTIONS ADOPTED

SECTIONS REPEALED

544, 546, 547 and 572(c)

3. TYPE OF ORDER (CHECK ONE)

Regular

Emergency
(Attach Finding of Emergency)

Certificate of Compliance

Other Regulatory Actions:

Procedural and Organizational
Change

Editorial Correction

Authority and Reference
Citation Change

4. IS THIS ORDER A RESUBMITTAL OF A PREVIOUSLY DISAPPROVED OR WITHDRAWN REGULATION?

No

Yes, if yes give date of previous filing _____

5. IS THIS FILING A RESULT OF THE AGENCY'S REVIEW OF EXISTING REGULATIONS?

No

Yes

6. IF THESE REGULATIONS REQUIRED PRIOR REVIEW AND APPROVAL BY ANY OF THE FOLLOWING AGENCIES,
CHECK THE APPROPRIATE BOX OR BOXES.

State Fire Marshal
(Attach Approval)

Building Standards Comm.
(Attach Approval)

Fair Political Practices Comm.
(Include FPPC Approval Stamp)

Department of Finance
(Attach STD. Form 399)

7a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER
May 4, 1984

b. DATE OF ADOPTION OF REGULATION(S)

8/1/84

c. DATES OF AVAILABILITY OF MODIFIED
REGULATION(S) (GOV. CODE SEC. 11346.8(c))
7/15/84

8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR?

No

Yes

9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTIONS
ON REVERSE)

a. Effective 30th day after filing with the Secretary of State.

b. Effective on Filing as required by statutes: (list) Welfare and Institutions Code
Section 5705.1(f)

c. Effective on _____ (Designate effective date *earlier than* 30 days after filing with the Secretary
of State pursuant to Government Code Section 11346.2(d).)

Request Attached

d. Effective on _____ (Designate effective date *later than* 30 days after filing with the Secretary of
State.)

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

840828-3

REF ID: A110
AUG 22 2:10 PM '84
ADL

1. ATTACHED ARE REGULATIONS ADOPTED,
AMENDED OR REPEALED BY:

Department of Mental Health
(AGENCY)

BY:



(AGENCY OFFICER AUTHORIZED TO SUBMIT REGULATIONS)

LEAVE BLANK

LEAVE BLANK

AGENCY CONTACT PERSON AND POSITION

TELEPHONE

Evon Dixon-Montgomery, Staff Counsel (916) 323-8193

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

SECTIONS AMENDED

Title: 9 540, 541, 542, 543, 545, 548 and 572(b)

SECTIONS ADOPTED

SECTIONS REPEALED

544, 546, 547 and 572(c)

3. TYPE OF ORDER (CHECK ONE)

Regular

Emergency
(Attach Finding of Emergency)

Certificate of Compliance

Other Regulatory Actions:

Procedural and Organizational Change

Editorial Correction

Authority and Reference Citation Change

4. IS THIS ORDER A RESUBMITTAL OF A PREVIOUSLY DISAPPROVED OR WITHDRAWN REGULATION?

No

Yes, if yes give date of previous filing

8/14/84

5. IS THIS FILING A RESULT OF THE AGENCY'S REVIEW OF EXISTING REGULATIONS?

No

Yes

6. IF THESE REGULATIONS REQUIRED PRIOR REVIEW AND APPROVAL BY ANY OF THE FOLLOWING AGENCIES,
CHECK THE APPROPRIATE BOX OR BOXES.

State Fire Marshal
(Attach Approval)

Building Standards Comm.
(Attach Approval)

Fair Political Practices Comm.
(Include FPPC Approval Stamp)

Department of Finance
(Attach STD. Form 399)

7a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
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8/1/84

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7/15/84

8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR?

No

Yes

9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTIONS
ON REVERSE)

a. Effective 30th day after filing with the Secretary of State.

b. Effective on Filing as required by statutes: (list) Welfare and Institutions Code
Section 5705.1(f)

c. Effective on _____ (Designate effective date **earlier than** 30 days after filing with the Secretary
of State pursuant to Government Code Section 11346.2(d).)

Request Attached

d. Effective on _____ (Designate effective date **later than** 30 days after filing with the Secretary of
State.)

INSTRUCTIONS FOR STD 400 (OAL-4)

A completed Face Sheet for Filing Regulations With the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer authorized to submit regulations.

Part 1. Provide agency name and signature of the agency officer. Also provide the name and telephone number of the person who can answer questions regarding this regulatory filing.

Part 2. Provide the Administrative Code Title in which the regulation will appear and list each section number to be amended, adopted, or repealed.

(Attach additional sheets if necessary.)

Part 3. Check appropriate box. If other than a regular or emergency filing or certificate of compliance, check the appropriate box under "Other Regulatory Action." Note: Procedural and organizational changes, editorial corrections and authority and reference citation changes are reviewed and are subject to OAL approval.

Part 4. Check appropriate box.

Part 5. Regulatory activity resulting from the agency's review of existing regulations should be submitted in a separate filing. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.

Part 6. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:

- a. Fire and panic safety regulations (Gov. Code Sec. 11342.3).
- b. Building standards as defined in Section 18969 of the Health and Safety Code (Gov. Code Sec. 11343).
- c. Conflict of Interest regulations (Gov. Code Sec. 87300 et seq.).

Note: Regulations that have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts should be discussed with the Department of Finance. See Government Code Sections 11346.5(a) (6), 11349.1 and S.A.M. Sections 6050–6057.

Part 7. a. Provide the publication date of the Notice Register in which the initial notice regarding these regulations appeared.

- b. Provide the date on which the regulatory agency adopted the regulation(s).
- c. If the regulations were modified subsequent to the hearing or written comment period, provide the date the modified regulations were made available to the public. Note that this date must be at least 15 days prior to the date indicated in (b.) above.

Part 8. Check appropriate box. This information is for statistical purposes.

Part 9. Effective Dates—check one of the following:

- a. If regulations are to be effective 30 days after filing with the Secretary of State.
- b. If an effective date other than (a.) is required by statute, provide the date and the statutory citation(s).
- c. If a designated effective date is being requested, please include a letter specifying the date the regulation(s) should take effect and the reason for the earlier effective date. Requests are granted by OAL for good cause shown.
- d. If an effective date later than (a.) is requested, provide the date.

Filing Requirements

The following material must be submitted when filing regulations with OAL:

- Seven (7) copies of the regulations. Note: Use underline/strikeout to indicate changes in an existing section. Repeal of an entire section may be indicated by placing a diagonal slash through text. For adoption of new section, underscore is not required.
- A completed Face Sheet for Filing Regulations With the Office of Administrative Law, form STD 400 (OAL-4) attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Government Code Section 11347.3 for full list of rulemaking file contents and Appendix 13 of OAL Regulations Handbook for a rulemaking file checklist.)

Certificate of Compliance

(Section 11345.1, Government Code)
Sections 540, 541, 542, 543, 544,
545, 546, 547, 548, 572(b), and 572(c)
Title 9, Chapter
Emergency Regulations filed with the
Secretary of State on February 27, 1984

The State Department of Mental Health hereby certifies that the Department has, within the 180 day period since the effective date of these emergency regulations (as provided in Welfare and Institutions Code Section 5705.1(f)), completed the regulation adoption process by formally adopting the emergency regulation or any amendment thereto pursuant to the provision of Government Code Sections 11346.4. to 11346.8, inclusive, as is required by Government Code Section 11346.1(e).

Date: August 9, 1984

Evon Dixon-Montgomery
Evon Dixon-Montgomery
Office of Legal Services

TITLE 9. CHAPTER 1
CALIFORNIA ADMINISTRATIVE CODE
SUBCHAPTER 3. COMMUNITY MENTAL HEALTH SERVICES
UNDER THE SHORT-DOYLE ACT
Article 4. Services Subject to
State Reimbursement

Adopted Section 540 to read:

540. Reimbursement Conditions.

Subject to the provision of the Act and of these regulations, state reimbursement will be made for expenditure for the services described in this Article.

NOTE: Authority cited: Sections 5705.1(a) and 5715, Welfare and Institutions Code.

Reference: Sections 5401, 5651, 5705, 5712, 5714, 5714.1, and 5715, Welfare and Institutions Code.

541. 24-Hour Services.

24-Hour Services mean services designed to provide a therapeutic environment of care and treatment within a residential setting- for adults and minors. Depending on the severity of the disorder, dangerousness to self or others, and the need for related medical care, treatment is provided through one of the following service functions:

(a) State Hospital, which means a health facility as defined in Section 1250 of the Health and Safety Code which is operated by the Departments of Mental Health or Developmental Services, ~~state hospital and~~ which provides treatment services for the mentally ~~disabled~~ disordered.

(b) Local Hospital, ~~including secure and nonsecure facilities~~, which means an acute psychiatric hospital as defined in Section 1250 of the Health and Safety Code, or a distinct acute psychiatric part of a general hospital- ~~as defined in Section 1250 of the Health and Safety Code which is approved by the Department of Health Services to provide psychiatric services.~~

(c) Psychiatric Health Facility, ~~including secure and nonsecure facilities~~, which means ~~psychiatric health facility~~, a health facility as defined in Section 1250.2

of the Health and Safety Code, or such facility which has
a waiver of licensure from the Department, which provides
intensive care.

(d) Intensive Skilled Nursing Facility, which means a ~~licensed skilled nursing facility funded and health~~ facility as defined in Section 1250 of the Health and Safety Code, and staffed to provide intensive psychiatric care.

(e) Short-Term-Crisis Residential Service (Less Than 14 Days), which means a licensed community residential community care facilities facility available for admissions 24-hours a day, and 7 days a week, and staffed to provide crisis treatment as an alternative to hospitalization.
~~for individuals experiencing an acute psychiatric episode or situational crisis. Admissions are generally limited to a stay of less than 14 days for voluntary patients without medical complications required requiring nursing care.~~
Twenty-four hour capability for prescribing and supervising medication must be available for patients requiring this level of care. The prescribing capability ~~may shall~~ be provided by written agreement, ~~with a hospital emergency room, mental health clinic, or other agency staffed to provide this service.~~

(f) Short-Term Crisis Residential Service (Less Than 30 Days), which means a licensed community residential community care facilities facility available for admissions 24-hours a day, 7 days a week, and staffed to provide mental health treatment services for voluntary patients ~~who do not have without~~ medical complications requiring nursing care and who generally require an average stay of 14 - 30 days for crisis resolution or stabilization. Twenty-four hour capability for prescribing and supervising medication must be available. The prescribing capability ~~may shall~~ be provided by written agreement ~~with a hospital emergency room, mental health clinic, or other agency staffed to provide this service.~~ On some occasions, depending on bed availability and clinical appropriateness, respite Respite care, in accordance with Welfare and Institutions Code, Chapter 5, up to a maximum of 30 days, may be provided without this definition.

(g) Jail Inpatient Unit, which means a ~~local county jail inpatient distinct unit staffed and within an adult or juvenile detention facility, designated by a County Board of Supervisors pursuant to Section 5404 of the Welfare and Institutions Code for secure and staffed to provide~~

intensive psychiatric treatment of inmates. Treatment services on the unit shall be under the control of the Local Mental Health Director.

(h) Transitional Residential On-Site ~~Program Service~~, which means a licensed community residential community care facility, designed to provide a comprehensive program of care consisting of a therapeutic residential community plus an all-inclusive structured treatment and rehabilitation program for individuals recovering from an acute stage of illness who ~~may be~~ are expected to move towards a more independent living situation, or higher level of functioning, within a ~~time-limited~~ 3-to-12-month period.

(i) Transitional Residential Off-Site ~~Program Service~~, which means a licensed community residential community care facilities facility, designed to provide, ~~on a time-limited basis~~, for a 3-to-12-month period, a therapeutic residential community including a range of social rehabilitation activities for individuals who are in remission from an acute state of illness, and The intent is to provide the client with interim support to facilitate movement toward the highest possible level of functioning. Individuals may receive day, treatment, outpatient and other treatment services outside the transitional residence.

(j) Long-Term services Services, which mean services provided ~~for an extended or indefinite period~~ in a variety of community facilities for individuals who require care, supervision, resocialization, rehabilitation, and life-enrichment- for up to 3 years. Consistent with individual level of care needs, services ~~may~~ shall be provided in skilled nursing facilities, intermediate care facilities, ~~or in residential~~ community care facilities, ~~or other similar~~ facilities.

(k) Semi-Supervised Living Services, which means services provided ~~to~~ for persons living alone or together in small cooperative housing units, ~~who require for the purpose of providing support in case of emergencies,~~ as well as regular assessment and assistance with evaluation of the problems of daily living. Services may include provision of a rent subsidy. This ~~may be~~ service provides a transition to independent living or an indefinite arrangement.

(l) Independent Living Services, which means services, including psychological support and rent subsidy, if necessary, provided to persons who require only minimal support ~~in order~~ to remain in the community.

NOTE: Authority cite: Section 5705.1, Welfare and Institutions Code.

Reference: Section 5600, Welfare and Institutions Code.

542. Day Services.

Day Services mean services designed to provide alternatives to 24-hour care and supplement other modes of treatment and residential services. These service functions are the following:

(a) Day Care Intensive services Services, which mean services designed and staffed to provide a multi-disciplinary treatment program of less than 24 hours per day as an alternative to hospitalization for ~~a patient~~ patients who ~~needs~~ need active psychiatric treatment for acute mental, emotional, or behavioral disorders and who ~~may are~~ expected, after receiving these services, to be referred to a lower level of treatment, or maintain the ability to live independently, or in a supervised residential facility.

(b) Day Care Habilitative Services, which mean services designed and staffed to provide counseling and rehabilitation to maintain or restore personal independence at the best possible functional level for the patient with chronic psychiatric impairments who may live independently, semi-independently, or in a supervised residential facility which does not provide this service.

(c) Vocational Services, which mean services designed to encourage and facilitate individual motivation and focus upon realistic and obtainable vocational goals.

To the extent possible, the intent is to maximize individual client involvement in skill seeking and skill enhancement, with the ultimate goal of meaningful productive work.

(d) Socialization Services, which mean services designed to provide life-enrichment and social skill development for individuals who would otherwise remain withdrawn and isolated. Activities should be gauged for multiple age groups, be culturally relevant, and focus upon normalization.

NOTE: Authority cited: Section 5705.1, Welfare and Institutions Code.

Reference: Section 5600, Welfare and Institutions Code.

543. Outpatient Services.

Outpatient Services mean services designed to provide short-term or sustained therapeutic intervention for individuals experiencing acute or ongoing psychiatric distress. These service functions are the following:

(a) Collateral Services, which mean sessions with significant persons in the life of the patient, necessary to serve the mental health needs of the patient.

(b) Assessment, which means services designed to provide formal documented evaluation or analysis of the cause or nature of the patient's mental, emotional, or behavioral disorder. Assessment services are limited to an intake examination, mental health evaluation, physical examination, and laboratory testing necessary for the evaluation and treatment of the patient's mental health needs.

(c) Individual Therapy, which means services designed to provide a goal directed therapeutic intervention with the patient which focuses on the mental health needs of the patient.

(d) Group Therapy, which means services designed to provide a goal directed, face-to-face therapeutic intervention with the patient and one or more other patients who are treated at the same time, and which focuses on the mental health needs of the patients.

(e) Medication, which includes the prescribing, administration, or dispensing of medications necessary to maintain individual psychiatric stability during the treatment process. This service shall include evaluation of side effects and results of medication.

(f) Crisis Intervention, which means immediate therapeutic response which must include a face-to-face contact with a patient exhibiting acute psychiatric symptoms to alleviate problems which, if untreated, present an imminent threat to the patient or others.

NOTE: Authority cited: Section 5705.1, Welfare and Institutions Code

Reference: Section 5600, Welfare and Institutions Code.

Repealed Section 544.

~~544~~ Emergency Services.

~~Emergency services shall mean those mental health services which provide immediate professional attention to persons suffering from mental, emotional or behavioral disorders, mental retardation or alcoholism. If provided, these services shall be available within one of the services provided in Sections 541, 542 or 543 of this subchapter.~~

Repeal

545. Outreach Services.

Outreach ~~Program~~ Services, which means a program of services delivered to the community-at-large, special population groups, human services agencies, and to individuals and families for whom there is no case record. The ~~purpose~~ purposes of these services ~~is are~~ to: (1) enhance the mental health of the general population, (2) prevent the onset of mental health problems in individuals and communities; and (3) assist those persons experiencing stress who are not reached by traditional mental health treatment services to obtain a more adaptive level of functioning. Outreach program services are provided through the following service functions:

(a) Mental Health Promotion, which means activities and projects directed towards: (1) strengthening individuals' and communities' skills and abilities to cope with stressful life situations before the onset of such events; and (2) enhancing and expanding agencies' or organizations' mental health knowledge and skills in relation to the community-at-large or special population groups.

(b) Community Client Services, which means activities directed toward: (1) strengthening individuals' coping skills and abilities during a stressful life

situation; and (2) enhancing or expanding knowledge and skills of human services agency staff to handle the mental health problems of particular clients.

NOTE: Authority cited: Section 5705.1, Welfare and Institutions Code.

Reference: Section 5600, Welfare and Institutions Code.

Repealed Sections 546 and 547.

~~546 Diagnostic Services~~

~~Diagnostic services shall mean those services provided for the evaluation or analysis of the cause or nature of mental, emotional or behavioral disorders, mental retardation or alcoholism. This service may include referral and recommendations for appropriate care.~~

REPEAL

~~547 Rehabilitative Services~~

~~Rehabilitative services shall mean those services provided to persons with a diagnosed mental, emotional or behavioral disorder, mental retardation or alcoholism to restore, establish, and maintain optimum levels of social, vocational, and physical functioning and to minimize residual disability.~~

~~HISTORY~~

~~1. Amendment filed 1-25-76, effective thirtieth day thereafter (Register 76, No. 3).~~

REPEAL

548. Continuing Care Services.

Continuing Care Services, which means services designed and staffed to provide, directly or indirectly, the mental health and other community-based assistance required to assure continuity of care and maintenance for individuals adults and minors whose mental or emotional disabilities preclude independent functioning. These services are provided through the following:

(a) Case Management, which means services designed and staffed to provide continuity of care within the mental health system, to prevent neglect or exploitation of the mentally disabled, and to the extent possible, to prevent rehospitalization. The intent is to identify individuals in need, track and monitor progress and movement within the system, and to intervene as needed, directly, or indirectly, to assure the availability and adequacy of treatment services and necessary mental health social services.

(b) Conservatorship, which means services designed for the financial and personal protection of individuals deemed to be gravely disabled under the provisions of the Act. Conservatorship services are:

(1) Conservatorship Investigation, which means services provided by a designated investigator or agency to collect, assess, and document for the court of jurisdiction

of the psychosocial and financial information necessary to support or deny a finding of grave disability consistent with established statutory criteria, evaluate the feasibility of available alternatives to conservatorship, and make a recommendation to the court about conservatorship status and continuing care needs.

(2) Conservatorship Administration, which means services provided by a designated conservator to manage a conservatee's financial resources and to assure the availability and adequacy of necessary treatment services and mental ~~heatlh~~ health social services.

(e) Social Services, which means those services provided upon referral by a professional facility or agency approved by the local mental health director to persons with a mental, emotional or behavioral disorder, to restore, establish and maintain optimum levels of social, vocational and physical functioning and to minimize residual disability or to avoid hospitalization or rehospitalization.

NOTE: Authority cited: Section 5705.1, Welfare and Institutions Code.

Reference: Section 5600, Welfare and Institutions Code.

TITLE 9. CALIFORNIA ADMINISTRATIVE CODE

SUBCHAPTER 3. COMMUNITY MENTAL HEALTH SERVICES
UNDER THE SHORT-DOYLE ACT

Article 5.5 Maximum Allowable Rates

Adopted Section 572(b) to read:

572(b) Services as defined in Sections 541, 542, and 543 shall be reimbursed not to exceed 125% of the statewide weighted average, except as specifically provided in the law. Rate maximums for each of the service functions are as follows:

SERVICE FUNCTION	WEIGHTED AVERAGE COST PER UNIT OF SERVICE STATEWIDE	125% of STATEWIDE WEIGHTED AVERAGE
24-HOUR SERVICES		
Local Hospital	\$282.74	\$353.42
Psychiatric Health Facility	(See W & I Code, Sec. 5652.5)	
Intensive Skilled Nursing Facility	\$ 42.40	\$ 53.00
 Crisis Residential:		
Short-Term-Less than 14 Days	\$118.34	\$147.93
Short Term-14 to 30 Days	\$ 87.73	\$109.66
 Jail Inpatient Unit	\$130.10	\$162.62
 Transitional Residential:		
On Site	\$ 69.34	\$ 86.68
Off Site	\$ 51.18	\$ 63.98
 Long Term	\$ 56.86	\$ 71.07
Semi-Supervised Living	\$ 20.80	\$ 26.00
Independent Living	\$ 19.07	\$ 23.84
 DAY SERVICES		
Day Care Intensive	\$ 70.26	\$ 87.82
Day Care Habilitative	\$ 43.44	\$ 54.29
Vocational Services	\$ 24.86	\$ 31.07
Socialization	\$ 17.90	\$ 22.38

OUTPATIENT SERVICES

Collateral Services	\$ 50.79	\$ 63.48
Assessment	\$ 78.79	\$ 98.48
Individual Therapy	\$ 66.98	\$ 83.72
Group Therapy	\$ 43.53	\$ 54.42
Medication	\$ 52.59	\$ 65.74
Crisis Intervention	\$170.07	\$212.59

NOTE: Authority cited: Section 5705.1, Welfare and Institutions Code.

Reference: Section 5600, Welfare and Institutions Code.

Repealed Section 572(c).

~~(c) The maximum allowable rates calculated in accordance with subdivisions (a) and (b) shall be made available to the public and distributed to the counties when the Legislature mandates cost of living adjustments.~~

~~NOTE: Authority cited: Sections 5753.1 and 5750, Welfare and Institutions Code. Reference Section 5754, Welfare and Institutions Code.~~

REPEAL

CERTIFICATE OF COMPLIANCE - Section 11346.1(e), Government Code

The Department of Social Services hereby certifies that it has complied with the provisions of Sections 11346.4 through 11346.8 inclusive of the Government Code, within 120 days of the effective date of the following emergency regulations which were filed with the Secretary of State on June 1, 1984, and which became effective on June 1, 1984.

Manual of Policy and Procedures, Division 50, Chapter 000,
Section: 012.

Adopted

50-012

These regulations were presented at public hearing on August 15, 1984. As a result of the public hearing the following sections have been changed.

Amended

50-012.411

Linda S. McMahon
LINDA S. MCMAHON
Director

9/26/84
Date

Adopt new Section 50-012 to read:

50-012 WILLIAMS V. WOODS

50-012

.1 Background

H On March 9, 1984 a Peremptory Writ of Mandate was filed in San Francisco Superior Court in the Williams v. Woods class action lawsuit. The Writ orders SDSS to cease enforcement of A Manual of Policy and Procedures (MPP) Sections 44-113.3, 44-115.72, 44-115.81, 44-133.1, and 44-205.231 to the extent N that these regulations conclusively presume either that D in-kind income and OASDI benefits for the minor parent are separate resources independently available to the minor parent B or that OASDI benefits for the minor parent are available to the Assistance Unit (including the minor parent and child) when the minor parent lives with a nonneedy parent O therefore, the Writ does not apply to minor parents who do not receive OASDI benefits or to minor parents who live with needy O parents or those who do not live with a parent.

K The period for retroactive benefits is November 12, 1978 through May 31, 1984. The writ requires that, within 100 days of its filing, the members of the class be notified of potential eligibility for retroactive benefits, to be accomplished by a mailing to current AFDC recipients and posters in specified locations.

The following provisions describe the procedures by which retroactive aid will be claimed and eligibility for benefits determined.

.2 Informing potentially eligible persons of the availability of retroactive benefits.

H .21 In order to notify the class of potentially eligible persons, SDSS shall:

A .211 Develop and provide CWDs camera-ready copies of the combined notice/claim form in English and Spanish. This form will notify potential claimants of the terms of the Williams judgment and how to apply for retroactive benefits.

B .212 Develop and issue posters in English and Spanish which will inform potential claimants of the Williams judgment and how to apply for retroactive O benefits.

(a) These posters shall be provided to all county welfare offices and to all Social Security Administration (SSA) offices.

.22 In order to notify the class of potentially eligible persons, the County Welfare Department (CWD) shall:

- .221 Print and mail the informing notice/claim form provided by the Department to all current AFDC recipients by June 1, 1984 with the CA 7s for May 1984, with the June 1, 1984 warrants, or by separate mailing. Spanish versions of the form shall be mailed to recipients that receive Spanish CA 7s.
- .222 Post English and Spanish informing posters supplied by SDSS in lobbies and waiting rooms of all county welfare offices from June 1, 1984 through August 31, 1984.
- .223 Forward a supply of the English and Spanish informing posters supplied by SDSS to all food stamp issuance outlets within the county with a request that the posters be displayed in lobbies and waiting rooms from June 1, 1984 through August 31, 1984.
- .224 Give or mail a Williams notice/claim form to anyone who requests one.

.3 Application for retroactive payment and claims processing.

.31 Claimant Responsibility

- .311 The claimant shall complete the claim form, sign it under penalty of perjury, and send or take it to the CWD(s) from which the claimant received aid or was denied or discontinued from aid during the months for which retroactive aid is being claimed. It shall be the claimant's responsibility to ensure the claim form is submitted to the appropriate county.
- .312 The claimant shall complete and send a separate claim form to each CWD from which the claimant wishes to claim retroactive benefits.
- .313 The claimant shall submit (or resubmit in the case of a previously denied claim) claim forms to the appropriate county (see .311 above) on or before August 31, 1984 except as specified in .325c.

- 314 Claimants shall complete a Supplemental Claim Form when requested to do so by the CWD and shall return it to that CWD as soon as possible, but no later than 30 calendar days from the date of the CWD's request.
 - 315 The claimant shall cooperate in obtaining all information/verification necessary to process the claim in accordance with MPP Section 40-157. Failure to provide the needed information/verification in accordance with time frames specified in •323 and •324 below shall result in denial of those months of the claim for which the information/verification is needed. See •47 below.
- 32 County Responsibility
- 321 The CWD shall stamp each claim with the date the claim was received by the CWD and the name of the county of receipt.
 - 322 If a CWD receives a claim form for a month in which it appears the claimant lived in another county:
 - (a) The CWD shall forward the form to the appropriate CWD, if known, and notify the claimant with the Notice of Action (NOA) specified by SDSS, or;
 - (b) If the CWD is not able to determine the appropriate CWD, the CWD shall return the form to the claimant with an NOA specified by SDSS denying the claim.
 - 323 Within 30 calendar days of receipt of a claim by the appropriate CWD, the CWD shall determine if a case record exists. If the claimant meets the conditions specified in •41 below and no case record exists or the information it contains is insufficient to process the claim, the CWD shall send the claimant a Supplemental Claim Form and NOA explaining that this form must be completed and returned within 30 calendar days of the date of the notice.
 - 324 If additional information/verification is needed, the CWD must provide the claimant with the appropriate notice requesting the additional information/verification. The CWD must allow the

claimant a reasonable time for response in relation to the information being requested, but in no case less than 10 calendar days from the date of the notice.

.325 Claim forms shall be submitted on or before August 31, 1984, except as specified below.

(a) The date submitted shall be determined as follows:

- (1) The date the claim was stamped "received" by the appropriate CWD, or;
- (2) If the date in (1) above is after August 31, 1984, the postmark date of the envelope, or;
- (3) If the date cannot be determined by (1) or (2) above, the date the claim was signed.

(b) Claims submitted after the final filing date which have been date stamped by another county in accordance with .321 above shall be deemed submitted on the earliest date stamped on the claim provided that the following conditions are met:

- (1) The claim was either forwarded by another CWD or was resubmitted by the claimant within 15 calendar days after the date of the NOA specified in .322(b) above; and
- (2) The claim is resubmitted with that NOA attached.

(c) If the claimant was a current AFDC recipient as of June 1, 1984 and did not receive the notice/claim form by June 1, 1984, the August 31, 1984 deadline shall be extended by a corresponding number of days to allow a full three-month application period. If verification of the date of receipt is not available, the claimant's sworn statement explaining the circumstances causing late receipt shall be sufficient.

.326 Claims submitted after the date specified in .325 above shall be denied.

.327 The CWD shall determine eligibility and issue retroactive aid to eligible claimants or deny the claim, as appropriate, within either 60 calendar days of receipt of the notice/claim form or within 60 calendar days of receipt of a Supplemental Claim Form if the latter form is necessary. The CWD shall also send the appropriate NOA.

(a) Inability to complete the determination of eligibility within the 60-day period shall not be a basis for denying the claim unless the delay is caused by the refusal of the claimant to participate in the gathering of evidence in accordance with Section 40-157.

.328 The CWD shall submit to SDSS a statistical report on the form provided by SDSS as follows:

(a) The report shall be submitted on or before December 12, 1984 and shall contain:

- (1) The number of Williams claims received;
- (2) The number of Williams claims denied;
- (3) The number of Williams claims granted in full or in part;
- (4) The total retroactive dollars paid to Williams claimants; and,
- (5) The number of Williams claims pending disposition on November 30, 1984.

(b) Those CWDs that have pending claims on the report specified in (a) above shall submit a second report to SDSS on or before January 7, 1985 which shall contain for those pending claims:

- (1) The number of pending Williams claims denied;
- (2) The number of pending Williams claims granted in full or in part; and

(3) The total retroactive dollars paid to the pending Williams claimants.

.4 Determination of Potential Eligibility for Retroactive Payments

.41 Persons potentially eligible for retroactive benefits are those persons who met all of the following conditions during any month between November 12, 1978 and May 31, 1984:

- .411 Parents under age 18 (minor parents) and/or their child(ren) (born or unborn) who lived together and who were applicants for or recipients of AFDC; and
 - .412 Lived with the nonneedy parent(s) of the minor parent; and
 - .413 The nonneedy parent of the minor parent was the representative payee for OASDI benefits received on behalf of the minor parent; and
 - .414 The minor parent and child(ren) were otherwise eligible for AFDC and the AFDC grant was reduced or terminated or the AFDC application was denied due to income considered available to the assistance unit; and
 - .415 The amount of OASDI considered in determining AFDC eligibility for the minor parent and child(ren) was greater than the amount of the OASDI benefit that was actually made available, in cash, to the minor parent.
- .42 If retroactive benefits are being claimed for a period of time for which aid was denied or discontinued, the assistance unit must have met the following conditions of AFDC eligibility in effect during the period for which retroactive aid is being claimed as determined by information provided on and with the Supplemental Claim Form:
- .421 Basis of deprivation: for AFDC-Family Group (FG) as specified in MPP Chapter 41-400; for AFDC-Unemployed (U) as specified in MPP Section 41-440.1;
 - .422 Age of the child(ren) as specified in MPP Section 42-101;

- 423 Income eligibility of the assistance unit as specified in .45 below;
- 424 Resource limits of the assistance unit as specified in MPP Chapter 42-200;
- 425 Residence and citizenship of the assistance unit as specified in MPP Chapter 42-400;
- 43 Verification of the factors contained in .41 is required for all claimants; and, in addition, verification of the eligibility factors contained in .42 is required for those claimants who were denied or discontinued from AFDC during the claim months unless the verification is not reasonably available. If verification is not reasonably available, the CWD shall act in accordance with .436 below.
 - 431 Verification of receipt of AFDC includes the following:
 - (a) Proof of receipt of AFDC for persons claiming retroactive benefits shall be obtained from the case record if it is available.
 - (b) If the case record is unavailable, sources of verification which the claimant may provide include, but are not limited to:
 - (1) A copy of an NOA or a state hearing decision indicating the claimant was an AFDC recipient during the month(s) aid is being claimed.
 - (2) Copies of any other documents indicating the claimant's welfare status during the month(s) aid is being claimed.
 - 432 Verification of denial of or discontinuance from AFDC for excess income shall be obtained from the case record if it is available. If the case record is unavailable, verification which the claimant may provide includes, but is not limited to, the NOA sent the claimant.
 - 433 Verification supporting .42 above includes the verification requirements contained in each MPP Section specified under .42.

.434 If there is no case record available or the information in the case record is incomplete, the CWD shall request from the local office of the SSA the following information using Form SSA-1610-U2 unless the claimant chooses to provide verification of (a) and (b) below.

(a) The time period and amount of OASDI benefits the minor parent received and the payee for the benefits.

(b) The date of birth of the minor parent.

.435 Verification of the amount of OASDI benefits made available in cash to the minor parent shall be the statements (provided on the notice/claim form) of the minor parent and the parent that received the OASDI benefits for the minor parent. The statement shall be signed under penalty of perjury except as provided in (a) below.

(a) The sworn statement of the minor parent's parent(s) shall not be required if the senior parent(s):

(1) is deceased, or;

(2) is incapacitated to such an extent that (s)he is unable to provide a signature under penalty of perjury, or;

(3) is unable to be located, or;

(4) is no longer living in the United States, or;

(5) refuses to sign the notice/claim form, or;

(6) if other exceptional circumstances would prevent obtaining the senior parent(s) statement under penalty of perjury.

.436 If the verification specified in .431 through .435 is not reasonably available, the claimant must provide the reason(s) on the claim form(s). If the reason(s) are acceptable as specified in .435(a) and .436(a), the claimant's sworn

statement as provided on the notice/claim form and/or Supplemental Claim Form shall be accepted.

(a) Acceptable reasons for the unavailability of verification other than that required in .435 above include, but are not limited to:

- (1) The destruction or loss of records.
- (2) Inability on the part of the claimant to locate the third party in order to supply the verification.
- (3) The refusal or inability on the part of the third party to supply the verification.
- (4) Other circumstances beyond the control of the claimant.

(b) If verification is not provided and the CWD determines it is reasonably available under .435(a) and .436(a), the CWD shall request the verification in accordance with .47 below. The CWD shall provide assistance in obtaining verification as specified in .47. The CWD may make any third-party contacts it determines to be necessary. A consent form shall be used for this purpose in accordance with MPP Section 40-157.22.

.437 Discrepancies arising as a result of a third-party contact shall be resolved in accordance with MPP Section 40-157.

.44 The size of the Assistance Unit shall be based on the number of persons who would have been included in the Assistance Unit specified in MPP Section 44-205 for the period claimed.

.441 If retroactive aid is being claimed for a period of time that aid was denied or discontinued and retroactive aid is claimed for a person not entitled to be included in the Assistance Unit as specified in MPP Section 44-205 or who must be excluded as specified in MPP Section 44-206, that portion of the claim shall be denied.

.442 If retroactive aid is being claimed for a period of time that aid was denied or discontinued and retroactive aid is claimed for both the minor

parent and the second parent who lived in the home and who may be included in the Assistance Unit, both shall sign the Supplemental Claim Form.

- (a) If either the minor parent or the second parent fails to sign the claim form, the CWD shall request a signature in accordance with .47 below. If such signature is not provided, the CWD shall not include that parent in the Assistance Unit and shall so notify the claimant on the NUA specified by SDSS.

.45 Income Eligibility

If retroactive aid is being claimed for a period of time that aid was denied or discontinued, the Assistance Unit is ineligible for any month that their income exceeded the income eligibility limits specified in 44-207 which were in effect during the period for which retroactive aid is being claimed.

- .451 Income eligibility shall be determined for each month retroactive aid is claimed if the claimant provides information for each month. If information is not provided on a monthly basis, income eligibility shall be determined on an annual basis or portion thereof for the period claimed. The claimant shall have the option of providing income verification on a monthly or annual basis. (See example in 50-011.462 for method to compute income eligibility on an annual basis.)

.452 MBSAC levels from November 1978 through May 1984.

	11/78 to 6/30/79	7/1/79 to 6/30/80	7/1/80 to 12/31/80	1/1/81 to 6/30/81	7/1/81 to 6/30/83	7/1/83 to 5/31/84
H	1 person	177	204	235	231	248
A	2 persons	297	342	395	386	408
N	3 persons	361	416	480	470	506
D	4 persons	444	511	591	577	601
B	5 persons	513	590	682	657	686
O						713
O						
K						

H

A

N

- .453 150 percent of MBSAC from December 1, 1981 through May 31, 1984.

D

	12/1/81 to 6/30/83	7/1/83 to 5/31/84
--	--------------------------	-------------------------

B

1 person	372	387
2 persons	612	636
3 persons	759	789
4 persons	902	938
5 persons	1029	1070

O

K

- .46 If retroactive aid is being claimed for a period of time for which AFDC was denied or for which AFDC was discontinued, the CWD shall establish that the minor parent's parent(s) (the senior parent(s)) was nonneedy. To determine neediness of the senior parent(s), the CWD shall compare the MBSAC amount for the number of persons to be supported by the senior parent(s) to the senior parent(s) net nonexempt income, except as specified in .461 below. This calculation shall include only the income of the senior parent(s). The income of the minor parent or other dependents shall not be included. The calculation shall also not include the OASDI benefits received by the senior parent on behalf of the minor parent. If the income of the senior parent(s) exceeds the MBSAC amount, the senior parent(s) was nonneedy, and the minor parent is potentially eligible for retroactive benefits. If the income of the senior parent(s) does not exceed the MBSAC amount, the senior parent(s) was needy, and the minor parent is not an eligible class member and not eligible for retroactive benefits. For net nonexempt income calculations prior to December 1, 1981, see .533(a) below, and for net nonexempt income calculations following December 1, 1981, see .533(b) below:

- .461 If the minor parent is unable to provide information necessary to compute the neediness of the senior parent(s), the CWD shall accept the sworn statement of the senior parent(s) or minor parent certifying that the senior parent(s) had sufficient income to support the minor parent during the claim period to establish that the senior parent(s) was nonneedy.

- .47 The CWD shall request missing or incomplete information or verification it determines should be available when

necessary to determine eligibility and benefit levels. Claims submitted on or before the date listed in .325 above shall be held open pending receipt of information requested by the county for the period of time specified in .324 above after the request for additional information is made. During this period, the CWD shall provide assistance as specified in (a) below and may make any third party contacts as specified in .436(b) above. Upon receipt of the requested information or at the end of this period, the county shall, based on the information available, determine eligibility and make retroactive payment or deny the claim in accordance with .315, .327, and .4 above, and .5 and .6 below.

- .471 If the claimant requests assistance, the CWD shall in accordance with MPP Sections 40-107.1 and 40-157.2 assist the claimant as needed in establishing his/her eligibility.

.5 Determination of the Amount of Retroactive Payment

- .51 The amount of retroactive payment shall be computed on a month-by-month basis if the claimant provides information for each month. If information is not provided on a monthly basis, the amount of retroactive payment shall be computed on an annual basis or portion thereof being claimed. The claimant shall have the option of providing information on a monthly or annual basis. (See examples in 50-011.512, .521, and .531 for the method of computation of retroactive payment on an annual basis.)
- .52 Retroactive payments for claimants who received AFUC during the claim period (whether the case record is available or not) shall be computed as follows:
 - .521 For each month claimed that the Assistance Unit met the eligibility conditions in .41 above, determine the amount of OASDI benefits that was used in the original budget computation for the month claimed.
 - .522 From that amount, subtract the amount of OASDI benefits made available in cash to the minor parent (as specified on the notice/claim form) for the month claimed. The remainder is the amount of retroactive payment for that month. If the month claimed is November 1978, the monthly amount shall be prorated from the 12th of the month (the reciprocal is .6333) or from the application date.

whichever is later, in accordance with the reciprocal table in MPP Section 44-315.53.

.53 Retroactive payments for claimants who were denied or discontinued from AFDC during the claim period shall be computed as follows:

- .531 The county shall determine retroactive payment(s) for the month(s) claimed based on income and expenses from the corresponding budget month(s). Assistance Unit composition and other eligibility factors shall be based on the month(s) claimed.
- .532 For each claim month that the Assistance Unit met the eligibility conditions in .41 and .42 above, determine the Maximum Aid Payment (MAP) for the Assistance Unit determined in .44 above.

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(a) MAP levels from November 1, 1978 through May 31, 1984:

	11/1/78 to 6/30/79	7/1/79 to 6/30/80	7/1/80 to 12/31/80	1/1/81 to 6/30/81	7/1/81 to 6/30/83	7/1/83 to 5/31/84
1 person	175	201	232	227	248	258
2 persons	287	331	382	374	408	424
3 persons	356	410	473	463	506	526
4 persons	423	487	563	550	601	625
5 persons	483	556	642	628	686	713

.533 Calculate the net nonexempt income of the Assistance Unit.

(a) For income received from November 1, 1978 through November 30, 1981 calculate net nonexempt income as follows:

- (1) Determine the amount of gross earnings of the Assistance Unit for each month claimed.
- (2) Subtract \$30 from gross earnings.
- (3) From the remainder in (2) above, subtract 1/3 of the remainder.
- (4) From the remainder determined in (3) above, subtract the mandatory deductions and work-related expenses which the claimant has verified in accordance with .43 above.
 - (A) The allowable mandatory deductions are: local, state, and federal income tax; social security (FICA) and compulsory retirement; unemployment and state disability insurance contributions.
 - (B) The allowable work-related expenses are: child care expenses, and work-related costs incurred or paid by the claimant.

- 1) Types of allowable work-related costs include, but are not limited to: transportation costs, amount for gas; tires; oil; car payments; car insurance; license and registration fees; mechanical repairs; repairs or replacement, if directly related to safety; actual cost for riding with another person(s); and other work-related costs not supplied or reimbursed by the employer, including, but not limited to, tools, uniforms, and special equipment necessary for employment.
- (C) Proof supporting the mandatory deductions and work-related expenses includes those specified in MPP Section 44-113 in effect during the period for which retroactive aid is being claimed. If the verification is not reasonably available the claimant shall provide the reason(s) on the claim form and the CWD shall act in accordance with .436 above. Acceptable reasons for unavailability of verification are contained in .436 above.
- (5) Add to the amount determined in (4), all unearned income received by the Assistance Unit during the claim month. The amount of OASDI benefits used for this calculation shall be that amount of such benefits made available in cash to the minor parent (as specified on the notice/claim form) for the month claimed. In-kind income shall be deducted in accordance with MPP Sections 44-115.72 and 44-115.8.

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(A) In-Kind Income Values for 1 Person from November 1, 1978 through May 31, 1984:

	11/1/78 to 6/30/79	7/1/79 to 6/30/80	7/1/80 to 12/31/80	1/1/81 to 6/30/81	7/1/81 to 6/30/83	7/1/83 to 5/31/84
B O O K Housing Utilities including Telephone	78 17	90 20	104 23	102 23	111 25	115 26
Food Clothing	43 14	50 16	58 18	57 18	62 20	64 21

- (6) Subtract from the total determined in (5) any court-ordered child or spousal support payments paid by a member of the assistance unit.
- (7) The amount determined in (6) is the net nonexempt income.

(b) For each month claimed for the period from December 1, 1981 through May 31, 1984, calculate net nonexempt income for the income received by the Assistance Unit in accordance with MPP Chapter 44-100. In accordance with the Turner v. Woods court order, mandatory deductions (federal, state, and local taxes, Social Security taxes (FICA) and state disability insurance) shall be subtracted from gross earnings. The \$30 and 1/3 disregard shall only be given for the appropriate number of months in accordance with MPP Section 44-111.23. The amount of UASJI benefits used for this calculation shall be that amount of such benefits made available in cash to the minor parent (as specified on the notice/claim form) for the month claimed. In-kind income shall be deducted in accordance with MPP Sections 44-115.72 and 44-115.8.

.534 Subtract the net nonexempt income determined in .533 above from the MAP determined in .532 above. The remainder is the amount of the retroactive payment for that month. If the month claimed is

* * *

November 1978, the monthly amount shall be prorated from the 12th of the month (the reciprocal is .6333) or from the application date, whichever is later, in accordance with the reciprocal table in MPP Section 44-315.53.

- 54 If the amount determined in .534 above is less than \$10 for any month from May 1982 through May 1984, the claimant is not eligible for a retroactive payment for that month.
- 55 The total of the amounts determined in .522 and/or .534 above for all months claimed is the total retroactive payment.

•6 Delivery of the Retroactive Payment

- 61 The payment shall be delivered within 10 calendar days of the date of authorization.
- 62 The retroactive payment in .55 above shall be used to offset any collectable outstanding overpayment in accordance with MPP Section 44-351.3. Any amount in excess of the overpayment shall be paid to the claimant.
- 63 The retroactive payment received by the claimant shall not be considered income or property for AFDC in the month of receipt or in the following month in accordance with MPP Section 42-213.2(h).
- 64 Concurrent with the retroactive payment, the CWD shall send an NOA explaining to the claimant how the retroactive payment was computed and his/her right to request a state hearing.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Sections 10553 and 10554; Peremptory Writ of Mandate, Williams v. Woods, San Francisco County Superior Court No. 787 379.

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

ORD # 184-6

SEP 25 1984

ADMINISTRATIVE LAW
ENDORSED
APPROVED FOR FILING

OCT 23 1984

Office of Administrative Law

LEAVE BLANK

1. ATTACHED ARE REGULATIONS ADOPTED,
AMENDED OR REPEALED BY:

Department of Social Services

(AGENCY)

BY:

Linda S. McMahon

(AGENCY OFFICER AUTHORIZED TO SUBMIT REGULATIONS)

840925-3
FILED

In the office of the Secretary of State
of the State of California

OCT 23 1984

At 4:10 o'clock P.M.

MARCH FONG EU, Secretary of State

By Majorie Shashberger
Deputy Secretary of State

LEAVE BLANK

AGENCY CONTACT PERSON AND POSITION

Roy Howard, Regulations Analyst

TELEPHONE

445-1422

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

SECTION AMENDED

Title: 22

SECTION ADOPTED

30-763.6 Manual of Policies and Procedures

SECTION REPEALED

30-763.233(c) Manual of Policies and Procedures

3. TYPE OF ORDER (CHECK ONE)

Regular

Emergency
(Attach Finding of Emergency)

Certificate of Compliance

Other Regulatory Actions:

Procedural and Organizational
Change

Editorial Correction

Authority and Reference
Citation Change

4. IS THIS ORDER A RESUBMITTAL OF A PREVIOUSLY DISAPPROVED OR WITHDRAWN REGULATION?

No

Yes, if yes give date of previous filing _____

5. IS THIS FILING A RESULT OF THE AGENCY'S REVIEW OF EXISTING REGULATIONS?

No

Yes

6. IF THESE REGULATIONS REQUIRED PRIOR REVIEW AND APPROVAL BY ANY OF THE FOLLOWING AGENCIES,
CHECK THE APPROPRIATE BOX OR BOXES.

State Fire Marshal
(Attach Approval)

Building Standards Comm.
(Attach Approval)

Fair Political Practices Comm.
(Include FPPC Approval Stamp)

Department of Finance
(Attach STD. Form 399)

7a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER

June 29, 1984

b. DATE OF ADOPTION OF REGULATION(S)

September 24, 1984

c. DATES OF AVAILABILITY OF MODIFIED
REGULATION(S) (GOV. CODE SEC. 11346.8(c))

N/A

8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR?

No

Yes

9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTIONS
ON REVERSE)

a. Effective 30th day after filing with the Secretary of State.

b. Effective on _____ as required by statutes: (list) _____

c. Effective on _____ (Designate effective date **earlier than** 30 days after filing with the Secretary
of State pursuant to Government Code Section 11346.2(d).)

Request Attached

d. Effective on _____ (Designate effective date **later than** 30 days after filing with the Secretary of
State.)

INSTRUCTIONS FOR STD 400 (OAL-4)

A completed Face Sheet for Filing Regulations With the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer authorized to submit regulations.

Part 1. Provide agency name and signature of the agency officer. Also provide the name and telephone number of the person who can answer questions regarding this regulatory filing.

Part 2. Provide the Administrative Code Title in which the regulation will appear and list each section number to be amended, adopted, or repealed.

(Attach additional sheets if necessary.)

Part 3. Check appropriate box. If other than a regular or emergency filing or certificate of compliance, check the appropriate box under "Other Regulatory Action." Note: Procedural and organizational changes, editorial corrections and authority and reference citation changes are reviewed and are subject to OAL approval.

Part 4. Check appropriate box.

Part 5. Regulatory activity resulting from the agency's review of existing regulations should be submitted in a separate filing. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.

Part 6. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:

- a. Fire and panic safety regulations (Gov. Code Sec. 11342.3).
- b. Building standards as defined in Section 18969 of the Health and Safety Code (Gov. Code Sec. 11343).
- c. Conflict of Interest regulations (Gov. Code Sec. 87300 et seq.).

Note: Regulations that have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts should be discussed with the Department of Finance. See Government Code Sections 11346.5(a) (6), 11349.1 and S.A.M. Sections 6050–6057.

Part 7. a. Provide the publication date of the Notice Register in which the initial notice regarding these regulations appeared.

- b. Provide the date on which the regulatory agency adopted the regulation(s).
- c. If the regulations were modified subsequent to the hearing or written comment period, provide the date the modified regulations were made available to the public. Note that this date must be at least 15 days prior to the date indicated in (b.) above.

Part 8. Check appropriate box. This information is for statistical purposes.

Part 9. Effective Dates—check one of the following:

- a. If regulations are to be effective 30 days after filing with the Secretary of State.
- b. If an effective date other than (a.) is required by statute, provide the date and the statutory citation(s).
- c. If a designated effective date is being requested, please include a letter specifying the date the regulation(s) should take effect and the reason for the earlier effective date. Requests are granted by OAL for good cause shown.
- d. If an effective date later than (a.) is requested, provide the date.

Filing Requirements

The following material must be submitted when filing regulations with OAL:

- Seven (7) copies of the regulations. Note: Use underline/strikeout to indicate changes in an existing section. Repeal of an entire section may be indicated by placing a diagonal slash through text. For adoption of new section, underscore is not required.
- A completed Face Sheet for Filing Regulations With the Office of Administrative Law, form STD 400 (OAL-4) attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Government Code Section 11347.3 for full list of rulemaking file contents and Appendix 13 of OAL Regulations Handbook for a rulemaking file checklist.)

CERTIFICATE OF COMPLIANCE - Section 11346.1(e), Government Code

The Department of Social Services hereby certifies that it has complied with the provisions of Sections 11346.4 through 11346.8 inclusive of the Government Code, within 120 days of the effective date of the following emergency regulations which were filed with the Secretary of State on May 30, 1984, and which became effective on May 30, 1984.

Sections:

Adopted	Repealed
30-763.6	30-763.233(c)

No amendments or repealers resulted from the public hearing held on August 15, 1984.


LINDA S. McMAHON
Director


Date

Amend Section 30-763.233(c) by deleting Item (c):

30-763 NEEDS ASSESSMENT PROCESS (Continued)

30-763

•2 Determination of the total need for IHSS services (Continued)

•23 Shared Living Arrangements (Continued)

•233 (Continued)

for service authorization purposes, no need for protective supervision exists when a housemate is in the home unless the housemate who is present falls within one or more of the categories specified in #235fbff through f3) below, or if the housemate is the landlord or tenant of the recipient or if the housemate is a parent under the circumstances specified in #244 below.

Authority: Welfare and Institutions Code Section 10553.

Reference: Miller v. Woods and Community Service Center for the Disabled v. Woods.

Adopt Section 30-763.6 to read:

30-763 NEEDS ASSESSMENT PROCESS

30-763

- .6 Miller vs. Woods and Community Service Center For the Disabled vs. Woods.

.61 Background

HANDBOOK

On October 21, 1983 the Court of Appeal, Fourth Appellate District, issued a decision in the consolidated case of Miller vs. Woods and Community Service Center For the Disabled vs. Woods. The court declared invalid MPP 30-463.233c (now 30-763.233c) which provided that no need for protective supervision may be assessed when a housemate is in the home.

.62 Case Review Procedures

- .621 The county shall identify no later than June 30, 1984 all open IHSS cases with recipients living with a housemate where a need for protective supervision as defined in 30-757.17 may exist.
- .622 The county shall determine through recipient contact whether a need for protective supervision exists unless the case record provides conclusive evidence which indicates that no need exists.

.63 Authorization and Notification

- .631 The county shall complete a new Needs Assessment form to authorize protective supervision. The authorization shall be effective as of May 1, 1984.
- .632 The county shall send a Notice of Action to all affected recipients which shall state: "Hours for protective supervision are authorized based on the Miller vs. Woods and Community Service Center For the Disabled vs. Woods court action."

.64 Recordkeeping

- .641 The county shall maintain a listing of those recipients who were previously not authorized to receive protective supervision because of the presence of a housemate.

H

.642 DSS will provide each county with a computer generated listing which identifies any recipient whose address matches the address of an Individual Provider. The listing should be used as an aid and cross-check in the case review process; the listing is not a substitute for the case review.

D

.643 For those recipients with an Individual Provider the listing in .641 above will be generated through use of a special reason code indicating increased hours due to the Miller vs. Woods court decision.

O

K

Authority: Welfare and Institutions Code Section 10553.

Reference: Miller vs. Woods and Community Service Center For the Disabled v. Woods.

INSTRUCTIONS FOR STD 400 (OAL-4)

A completed Face Sheet for Filing Regulations With the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer authorized to submit regulations.

Part 1. Provide agency name and signature of the agency officer. Also provide the name and telephone number of the person who can answer questions regarding this regulatory filing.

Part 2. Provide the Administrative Code Title in which the regulation will appear and list each section number to be amended, adopted, or repealed.

(Attach additional sheets if necessary.)

Part 3. Check appropriate box. If other than a regular or emergency filing or certificate of compliance, check the appropriate box under "Other Regulatory Action." Note: Procedural and organizational changes, editorial corrections and authority and reference citation changes are reviewed and are subject to OAL approval.

Part 4. Check appropriate box.

Part 5. Regulatory activity resulting from the agency's review of existing regulations should be submitted in a separate filing. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.

Part 6. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:

- a. Fire and panic safety regulations (Gov. Code Sec. 11342.3).
- b. Building standards as defined in Section 18969 of the Health and Safety Code (Gov. Code Sec. 11343).
- c. Conflict of Interest regulations (Gov. Code Sec. 87300 et seq.).

Note: Regulations that have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts should be discussed with the Department of Finance. See Government Code Sections 11346.5(a) (6), 11349.1 and S.A.M. Sections 6050–6057.

Part 7. a. Provide the publication date of the Notice Register in which the initial notice regarding these regulations appeared.

- b. Provide the date on which the regulatory agency adopted the regulation(s).
- c. If the regulations were modified subsequent to the hearing or written comment period, provide the date the modified regulations were made available to the public. Note that this date must be at least 15 days prior to the date indicated in (b.) above.

Part 8. Check appropriate box. This information is for statistical purposes.

Part 9. Effective Dates—check one of the following:

- a. If regulations are to be effective 30 days after filing with the Secretary of State.
- b. If an effective date other than (a.) is required by statute, provide the date and the statutory citation(s).
- c. If a designated effective date is being requested, please include a letter specifying the date the regulation(s) should take effect and the reason for the earlier effective date. Requests are granted by OAL for good cause shown.
- d. If an effective date later than (a.) is requested, provide the date.

Filing Requirements

The following material must be submitted when filing regulations with OAL:

- Seven (7) copies of the regulations. Note: Use underline/strikeout to indicate changes in an existing section. Repeal of an entire section may be indicated by placing a diagonal slash through text. For adoption of new section, underscore is not required.
- A completed Face Sheet for Filing Regulations With the Office of Administrative Law, form STD 400 (OAL-4) attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Government Code Section 11347.3 for full list of rulemaking file contents and Appendix 13 of OAL Regulations Handbook for a rulemaking file checklist.)

Adopt new Section 30-376.141(c) and renumber existing Section 30-376.141(c) to (d) to read:

30-376 CASE RECORDS

30-376

•1 (Continued)

•14 (Continued)

•141 Such plans shall be readily identifiable in the case record, and shall include the following information:

- (a) Measurable, time-limited objectives based on the problems and family strengths identified in the assessment.
- (b) Service activities and resources to be used in objective achievement, including specific descriptions of the responsibilities of county welfare department staff, other individuals, and community agencies.
- (c) A plan for visitation of the child by his/her grandparents as specified in Welfare and Institutions Code Section 16507.

(1) This statute specifies that Family Reunification Services shall include a plan for visitation of the child by his or her grandparents, where the visitation is in the best interests of the child and will serve to maintain and strengthen the family relationships of the child.

•141 The descriptions specified in 42 USC 675(1).

(1) This statute requires inclusion of the following in the services plan:

- (A) A description of the type of home or institution in which a child is to be placed, including a discussion of the

appropriateness of the placement.

- (B) A description of the way in which the agency responsible for the child plans to carry out the judicial determination made with respect to the child.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Section 16507.

FACE SHEET
(OAL-4)

(See Instructions on Reverse)

84-1016-2
ORD #0184-05

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

RECEIVED FOR FILING

OCT 16 3 21 PM '84

OFFICE OF
ADMINISTRATIVE LAW
APPROVED FOR FILING

OCT 26 1984

Office of Administrative Law

LEAVE BLANK

AGENCY CONTACT PERSON AND POSITION

Dion Webb, Regulations Analyst

TELEPHONE 445-0313

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

SECTIONS AMENDED

Title: MPP Sections 69-208.711 and .724.

SECTIONS ADOPTED

SECTIONS REPEALED

3. TYPE OF ORDER (CHECK ONE)

Regular

Emergency
(Attach Finding of Emergency)

Certificate of Compliance

Other Regulatory Actions:

Procedural and Organizational Change

Editorial Correction

Authority and Reference Citation Change

4. IS THIS ORDER A RESUBMITTAL OF A PREVIOUSLY DISAPPROVED OR WITHDRAWN REGULATION?

No

Yes, if yes give date of previous filing _____

5. IS THIS FILING A RESULT OF THE AGENCY'S REVIEW OF EXISTING REGULATIONS?

No

Yes

6. IF THESE REGULATIONS REQUIRED PRIOR REVIEW AND APPROVAL BY ANY OF THE FOLLOWING AGENCIES,
CHECK THE APPROPRIATE BOX OR BOXES.

State Fire Marshal Building Standards Comm. Fair Political Practices Comm. Department of Finance
(Attach Approval) (Attach Approval) (Include FPPC Approval Stamp) (Attach STD. Form 399)

7a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER

June 1, 1984

b. DATE OF ADOPTION OF REGULATION(S)

OCTOBER 15, 1984

c. DATES OF AVAILABILITY OF MODIFIED
REGULATION(S) (GOV. CODE SEC. 11346.8(c))

September 28 - October 15, 1984

8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR?

No

Yes

9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTIONS
ON REVERSE)

a. Effective 30th day after filing with the Secretary of State.

b. Effective on _____ as required by statutes: (list) _____

c. Effective on _____ (Designate effective date *earlier than* 30 days after filing with the Secretary
of State pursuant to Government Code Section 11346.2(d).)

Request Attached

d. Effective on _____ (Designate effective date *later than* 30 days after filing with the Secretary of
State.)

FILED
In the office of the Secretary of State
of the State of California

OCT 26 1984
At 4:26 o'clock P.M.
MARCH FONG EU, Secretary of State
By Marjorie Hershberger
Deputy Secretary of State

LEAVE BLANK

CERTIFICATE OF COMPLIANCE - Section 11346.1(e), Government Code

The Department of Social Services hereby certifies that it has complied with the provisions of Sections 11346.4 through 11346.8 inclusive of the Government Code, within 120 days of the effective date of the following emergency regulations which were filed with the Secretary of State on June 20, 1984, and which became effective on June 20, 1984.

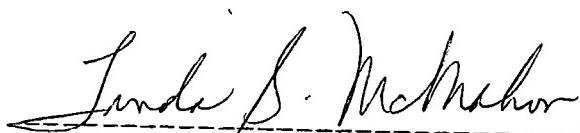
Manual of Policy and Procedures, Division 69, Chapter 200,
Sections: 208

Amended69-208.711
69-208.724

These regulations were presented at public hearing on July 18, 1984. As a result of the public hearing the following sections have been changed.

Amended

69-208.711


LINDA S. McMAHON
Director10/9/84
Date

FACE SHEET
(OAL-4)

84-1019-3
(See Instructions on Reverse)

RECEIVED FOR FILING

OCT 30 5 32 PM '84

OFFICE OF
ADMINISTRATIVE LAW
ENDORSED
APPROVED FOR FILING
NOV 1 1984

LEAVE BLANK

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

ORD #0884-37
Editorial Correction

FILED

In the office of the Secretary of State
of the State of California

NOV 1 - 1984

At 4:15 o'clock P.M.
MARCH FONG EU, Secretary of State

By Karen L. Brady
Deputy Secretary of State

LEAVE BLANK

AGENCY CONTACT PERSON AND POSITION

Jerry Demorest and Diane Glazer, Regulations Analysts

TELEPHONE 445-0313

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

SECTIONS AMENDED

Title: 20 MPP Sections 42-211.2 "Title", 44-113.622(c) and .624(c) "examples."

SECTIONS ADOPTED

44-111.471 and 44-113.22 "example."

SECTIONS REPEALED

3. TYPE OF ORDER (CHECK ONE)

Regular

Emergency
(Attach Finding of Emergency)

Certificate of Compliance

Other Regulatory Actions:

Procedural and Organizational Change

Editorial Correction

Authority and Reference Citation Change

4. IS THIS ORDER A RESUBMITTAL OF A PREVIOUSLY DISAPPROVED OR WITHDRAWN REGULATION?

No

Yes, if yes give date of previous filing _____

5. IS THIS FILING A RESULT OF THE AGENCY'S REVIEW OF EXISTING REGULATIONS?

No

Yes

6. IF THESE REGULATIONS REQUIRED PRIOR REVIEW AND APPROVAL BY ANY OF THE FOLLOWING AGENCIES,
CHECK THE APPROPRIATE BOX OR BOXES.

State Fire Marshal
(Attach Approval)

Building Standards Comm.
(Attach Approval)

Fair Political Practices Comm.
(Include FPPC Approval Stamp)

Department of Finance
(Attach STD. Form 399)

7a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER

b. DATE OF ADOPTION OF REGULATION(S)

c. DATES OF AVAILABILITY OF MODIFIED
REGULATION(S) (GOV. CODE SEC. 11346.8(c))

September 27, 1984

8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR?

No

Yes

9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTIONS
ON REVERSE)

a. Effective 30th day after filing with the Secretary of State.

b. Effective on September 27, 1984 as required by statutes: (list) Government Code Section 11346.1(d)
and Stats, 1984, Chapter 1447,
Section 14.

c. Effective on _____
(Designate effective date **earlier than** 30 days after filing with the Secretary of State pursuant to Government Code Section 11346.2(d).)

Request Attached

d. Effective on _____
(Designate effective date **later than** 30 days after filing with the Secretary of State.)

INSTRUCTIONS FOR STD 400
(OAL-4)

A completed Face Sheet for Filing Regulations With the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer authorized to submit regulations.

Part 1. Provide agency name and signature of the agency officer. Also provide the name and telephone number of the person who can answer questions regarding this regulatory filing.

Part 2. Provide the Administrative Code Title in which the regulation will appear and list each section number to be amended, adopted, or repealed.

(Attach additional sheets if necessary.)

Part 3. Check appropriate box. If other than a regular or emergency filing or certificate of compliance, check the appropriate box under "Other Regulatory Action." Note: Procedural and organizational changes, editorial corrections and authority and reference citation changes are reviewed and are subject to OAL approval.

Part 4. Check appropriate box.

Part 5. Regulatory activity resulting from the agency's review of existing regulations should be submitted in a separate filing. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.

Part 6. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:

- a. Fire and panic safety regulations (Gov. Code Sec. 11342.3).
- b. Building standards as defined in Section 18969 of the Health and Safety Code (Gov. Code Sec. 11343).
- c. Conflict of Interest regulations (Gov. Code Sec. 87300 et seq.).

Note: Regulations that have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts should be discussed with the Department of Finance. See Government Code Sections 11346.5(a) (6), 11349.1 and S.A.M. Sections 6050–6057.

Part 7. a. Provide the publication date of the Notice Register in which the initial notice regarding these regulations appeared.

b. Provide the date on which the regulatory agency adopted the regulation(s).

c. If the regulations were modified subsequent to the hearing or written comment period, provide the date the modified regulations were made available to the public. Note that this date must be at least 15 days prior to the date indicated in (b.) above.

Part 8. Check appropriate box. This information is for statistical purposes.

Part 9. Effective Dates—check one of the following:

- a. If regulations are to be effective 30 days after filing with the Secretary of State.
- b. If an effective date other than (a.) is required by statute, provide the date and the statutory citation(s).
- c. If a designated effective date is being requested, please include a letter specifying the date the regulation(s) should take effect and the reason for the earlier effective date. Requests are granted by OAL for good cause shown.
- d. If an effective date later than (a.) is requested, provide the date.

Filing Requirements

The following material must be submitted when filing regulations with OAL:

- Seven (7) copies of the regulations. Note: Use underline/strikeout to indicate changes in an existing section. Repeal of an entire section may be indicated by placing a diagonal slash through text. For adoption of new section, underscore is not required.
- A completed Face Sheet for Filing Regulations With the Office of Administrative Law, form STD 400 (OAL-4) attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Government Code Section 11347.3 for full list of rulemaking file contents and Appendix 13 of OAL Regulations Handbook for a rulemaking file checklist.)

In ORD 0884-37 Filing Instruction No. (2) editorially correct the title for Section 42-211.2 to read as follows:

(2) Amend MPP Section 42-211.253 to read:

42-211 PROPERTY ITEMS TO BE INCLUDED IN EVALUATING PROPERTY 42-211 WHICH MAY BE RETAINED (Continued)

.2 Personal Property to be Excluded Included (Continued)

.25 All Other Personal Property Including: (Continued)

.253 The net market value of funeral agreements not exempted from evaluation as personal property under Section 42-213.2d.

Authority: Welfare and Institutions Code Section 10553.

Reference: AB 1557, Stats 1984, Chapter 1447 [codified as Welfare and Institutions Code Section 11158]; Public Law 98-369, Section 2626, (July 18, 1984) 98 Stat. 1136, 1984 U.S. Code Congressional and Administrative News, No. 6A [codified as 42 USC 602(a)(7)(B)]; 49 Federal Register 35599 (1984) [codified in 45 CFR 233.20(a)(3)(i)(4)].

In ORD 088437 Filing Instruction No. (7) editorially correct examples in MPP Sections 44-113.622(c) and .624(c) to read as follows:

(7) Renumber MPP Section 44-101.325 to 44-113.6 and amend to read:

44-113 NET INCOME (Continued)

44-113

.6 Reconciliation of Advanced Earned Income Credit (EIC) to Year-End EIC. (Continued)

.62 Reconciliation Methodology (Continued)

.622 If the tax return shows that the year-end EIC is greater than the advanced EIC and the recipient is entitled to any payment from the Internal Revenue Service (IRS), the following reconciliation shall be made after such payment is actually received from the IRS. (Continued)

(c) Example:

- The year-end EIC payment is \$500.
- The wife worked for one month during the tax year and is not working when the payment is received.
- The husband received the 30 and 1/3 disregard for four months and is employed full-time earning \$600/month when the year-end EIC payment is received. Two hundred dollars (\$200) EIC was advanced for the tax year based on the husband's earnings.
- Both the husband and the wife are members of the FBI when the year-end EIC payment is received.

	WIFE	HUSBAND
Share of EIC*	\$250	\$250
Minus Advanced EIC	- 0	-200
Plus Other Earnings	<u>+ 0</u>	<u>+600</u>
 Subtotal	 \$250	 \$650
 Minus Standard Work Expense Disregard**	 - 0	 - 75
Minus Dependent Care Disregard (no expense)	- 0	- 0
Minus 30 and 1/3 Disregard***	<u>-103</u>	<u>- 0</u>
 Subtotal	 \$147	 \$575
 Plus Unearned Income	 <u>+ 0</u>	 <u>+ 0</u>
 Net Nonexempt Income	 \$147	 \$575
Husband	\$575	
Wife	<u>+147</u>	
 \$722	 Total net nonexempt income for use in the lump sum computation in Section 44-207.4	

- * Year-end EIC is split between the husband and wife when both were earners in the tax year. If only one spouse worked during the tax year, the year-end EIC is attributable only to that earner.
- ** The standard work expense disregard is applied only when other earner earned income is received at the time EIC is received.
- *** The \$30+1/3 and, as applicable, the \$30 disregard is applied only if there is eligibility to the disregard when the EIC is received.

•623 (Continued)

•624 The following methodologies shall be used for the reconciliation of advance EIC (actual and assumed) to year-end EIC for the tax year 1984 when any EIC

payments were assumed received for the months of January 1984 through September 1984 and were counted in determining the recipient's net nonexempt earned income. EIC payments shall not be assumed after September 30, 1984. If no EIC payments were assumed during tax year 1984, use the reconciliation methodology in .622 and .623 above. (Continued)

(c) Example:

- The year-end EIC payment is \$500.
- The wife worked for one month during the tax year and is not working when the payment is received.
- The husband received the 30 and 1/3 disregard for four months and is employed full-time earning \$600/month when the year-end EIC payment is received. Two hundred dollars (\$200) EIC was assumed for the tax year based on the husband's earnings.
- Both the husband and the wife are members of the FBU when the year-end EIC payment is received.

	WIFE	HUSBAND
Share of EIC*	\$250	\$250
Minus Assumed EIC	- 0	-200
Plus Other Earnings	<u>+ 0</u>	<u>+600</u>
 Subtotal	 \$250	 \$650
 Minus Standard Work Expense Disregard**	 - 0	 - 75
Minus Dependent Care Disregard (no expense)	- 0	- 0
Minus 30 and 1/3 Disregard***	<u>-103</u>	<u>- 0</u>
Subtotal	<u>\$147</u>	<u>\$575</u>
 Plus Unearned Income	 <u>+ 0</u>	 <u>+ 0</u>
 Net Nonexempt Income	 \$147	 \$575
Husband	\$575	
Wife	<u>+147</u>	

**\$722 Total net nonexempt
income for use in
lump sum computation
in Section 44-207.4**

- * Year-end EIC is split between the husband and wife when both were earners in the tax year. If only one spouse worked during the tax year, the year-end EIC is attributable only to that earner.
- ** The standard work expense disregard is applied only when other earner earned income is received at the time EIC is received.
- *** The \$30+1/3 disregard is applied only if there is eligibility to the disregard when the EIC is received.

(d) (Continued)

Authority: Welfare and Institutions Code Sections 10553; AB 1557, Stats. 1984, Chapter 1447, Sections 14.

Reference: Public Law No. 98-369, Section 2629 (July 18, 1984), 98 Stat. 1137, 1984 U.S. Code Congressional and Administrative News, No. 6A [codified as 42 USC 602(d)(1)]; 49 Federal Register 35601 (1984) [codified in 45 CFR 233.20(a)(6)(ix)]

In ORD 0884-37 Filing Instruction No. (14) editorially correct
MPP Section 44-111.471 to read as follows:

(14) Adopt MPP Section 44-111.47 to read:

44-111 PAYMENTS EXCLUDED OR EXEMPT FROM CONSIDERATION 44-111
AS INCOME (Continued)

.4 Exclusions or Exemptions of Other Payments and Income
(Continued)

.47 Child Support Disregard (Continued)

.471 When the child support payment is received by the county, the amount of the current support payment which is paid to the assistance unit shall be disregarded. This disregard is applied in the month month in which the child support payment is received by the county for eligibility determination and applied in the month in which the disregard payment is received by the assistance unit, if different, for eligibility and grant determination.

.472 (Continued)

.473 (Continued)

Authority: Welfare and Institutions Code Section 10553; AB 1557, Stats 1984, Chapter 1447, Section 14.

Reference: Public Law No. 98-369, Section 2640 (July 18, 1984), 98 Stat. 1145, 1984 U.S. Code Congressional and Administrative News, No. 6A [codified as 42 USC 675(b)]; 49 Federal Register 35600 (1984) [codified in 45 CFR 232.20 and 45 CFR 233.20(a)(4)(ii)(j)].

In ORD 0884-37 Filing Instruction No. (17) editorially correct MPP Section 44-113.22 to read as follows:

(17) Adopt new MPP Section 44-113.217, amend and renumber current MPP Section 44-113.217 to .218, renumber current MPP Section 44-113.218 to .219 and amend MPP Section 44-113.22 to read:

44-113 NET INCOME (Continued)

44-113

.2 Earnings (Continued)

.22 Example. An FBU consists of a mother, two preschool children and two teenage sons, ages 15 and 16. The 15 and 16-year olds are not in school.

The mother is employed for 20 days, works over 100 hours, and earns \$600. The 15 year old son earns \$170 and the 16 year old earns \$140. Both sons work fewer than 100 hours in the month. Child care expenses are \$160 for the first pre-school child and \$130 for the second. The mother no longer eligible for the \$30 and 1/3 disregard, but is still eligible for the \$30 disregard. Her teenage sons are eligible for the \$30 and 1/3 disregard. Net nonexempt earned income for the month is computed as follows: (Continued)

Authority: Welfare and Institutions Code Sections 10553 and 10554; AB 1557, Stats. 1984, Chapter 1447, Section 14.

Reference: Public Law 98-369, Sections 2622 and 2623 (July 18, 1984); 98 Stat. 1134, 1984 U.S. Code Congressional and Administrative News No. 6A; 45 CFR Sections 233.20(a)(1)(i)(B) and 233.20(a)(1)(ii)(B) (49 Federal Register 35601, September 10, 1984).

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

RECEIVED FOR FILING

OCT 12 2 49 PM '84

OFFICE OF
ADMINISTRATIVE LAW
ENDORSED
APPROVED FOR FILING

NOV 8 1984

Office of Administrative Law
LEAVE BLANK

AGENCY CONTACT PERSON AND POSITION

Andy Molina, Regulations Analyst

TELEPHONE

445-0313

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

SECTIONS AMENDED

Title: Manual of Policies and Procedures (MPP) Sections: 11-001, 11-201, 11-503, 40-181
SECTIONS ADOPTED

11-003

SECTIONS REPEALED

11-003, 11-201, 11-501

3. TYPE OF ORDER (CHECK ONE)

Regular

Emergency
(Attach Finding of Emergency)

Certificate of Compliance

Other Regulatory Actions:

Procedural and Organizational Change

Editorial Correction

Authority and Reference Citation Change

4. IS THIS ORDER A RESUBMITTAL OF A PREVIOUSLY DISAPPROVED OR WITHDRAWN REGULATION?

No

Yes, if yes give date of previous filing _____

5. IS THIS FILING A RESULT OF THE AGENCY'S REVIEW OF EXISTING REGULATIONS?

No

Yes

6. IF THESE REGULATIONS REQUIRED PRIOR REVIEW AND APPROVAL BY ANY OF THE FOLLOWING AGENCIES,
CHECK THE APPROPRIATE BOX OR BOXES.

State Fire Marshal
(Attach Approval)

Building Standards Comm.
(Attach Approval)

Fair Political Practices Comm.
(Include FPPC Approval Stamp)

Department of Finance
(Attach STD. Form 399)

7a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER

May 4, 1984

b. DATE OF ADOPTION OF REGULATION(S)

September 24, 1984

c. DATES OF AVAILABILITY OF MODIFIED
REGULATION(S) (GOV. CODE SEC. 11346.8(c))

August 3, 1984

8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR?

No

Yes

9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTIONS
ON REVERSE)

a. Effective 30th day after filing with the Secretary of State.

b. Effective on _____ as required by statutes: (list)

c. Effective on _____ (Designate effective date **earlier than** 30 days after filing with the Secretary of State pursuant to Government Code Section 11346.2(d).)

Request Attached

d. Effective on _____ (Designate effective date **later than** 30 days after filing with the Secretary of State.)

FILED
In the office of the Secretary of State
of the State of California

NOV 8 - 1984
At 4:08 o'clock P.M.
MARCH FONG EU, Secretary of State
By Marjorie Henshaw
Deputy Secretary of State

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INSTRUCTIONS FOR STD 400
(OAL-4)

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(Attach additional sheets if necessary.)

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- b. Building standards as defined in Section 18969 of the Health and Safety Code (Gov. Code Sec. 11343).
- c. Conflict of Interest regulations (Gov. Code Sec. 87300 et seq.).

Note: Regulations that have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts should be discussed with the Department of Finance. See Government Code Sections 11346.5(a) (6), 11349.1 and S.A.M. Sections 6050–6057.

Part 7. a. Provide the publication date of the Notice Register in which the initial notice regarding these regulations appeared.

- b. Provide the date on which the regulatory agency adopted the regulation(s).
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Part 9. Effective Dates—check one of the following:

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- A completed Face Sheet for Filing Regulations With the Office of Administrative Law, form STD 400 (OAL-4) attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Government Code Section 11347.3 for full list of rulemaking file contents and Appendix 13 of OAL Regulations Handbook for a rulemaking file checklist.)

Amend Section 11-001 to read:

CHAPTER 11-000 OBJECTIVE AND DEFINITIONS

11-001 OBJECTIVES

11-001

The objectives of Eligibility and Assistance Programs are is stated within Welfare and Institutions Code Section 10001.

*1 Achievement and maintenance of reasonable standards of living and health.

•1 This statute specifies that one of the purposes of public social services is:

"To provide on behalf of the general public, and within the limits of public resources, reasonable support and maintenance for needy and dependent families and persons."

*2 Attainment or retention of the maximum degree of self-support within the capabilities of each individual.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Section 10001.

Repeal Section 11-003:

11-003 DEFINITIONS

11-003

•1 Objective

A statement of a condition to be attained, a target toward which a specific activity is directed.

•2 Eligibility and Assistance Programs

Activities and functions of state and local governments administered or supervised by the Department and involved in providing aid to those people of the state who, because of their economic circumstance or social conditions, are in need thereof and may profit thereby.

•21 Income Maintenance

Activities undertaken in determining eligibility for and granting benefits available through AFDC, APSB, and Medi-Cal programs; activities directed toward assisting individuals to obtain income and to meet subsistence needs from other resources (e.g., Social Security, Veteran's Administration, State Disability Insurance, Workmen's Compensation, relatives, pension plans, food stamps, etc.).

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Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Sections 10051, 10052, 10053, 10053.25, 10054, 10055, 10056, 10057, 10058, 10059, 10060, and 10061.

Adopt Handbook Section 11-003 to read:

HANDBOOK

11-003 DEFINITIONS

11-003

.1 Welfare and Institutions Code Sections 10051, 10052, 10054, 10055, 10056, 10057, 10058, and 10060 state:

10051. "Public social services" means those activities and functions of state and local government administered or supervised by the Department or the State Department of Health Services and involved in providing aid or services or both, including health care services and medical assistance, to those people of the state who, because of their economic circumstances or social condition, are in need thereof and may benefit thereby.

10052. "Aid" means financial assistance provided to or in behalf of needy persons under the terms of this division, including direct money payments and vendor payments.

10054. "Department" means the State Department of Social Services.

10055. "Director" means the Director of Social Services.

10056. "Board" means the State Social Services advisory Board. Whenever any reference is made in any provision of law to the "State Benefits and Services Advisory Board," it shall mean the State Social Services Advisory Board.

10057. "Board of supervisors" means the county board of supervisors.

10058. "County department" means the county agency designated by the board of supervisors or by such other authority as may be provided in the county charter, as responsible for the administration of public social services.

10059. "County director" means the director or other chief executive of the county department.

10060. "Regulations" includes but is not limited to standards of eligibility for aid and services, procedures necessary for the proper and efficient administration of public social services, and standards as to conditions which must be met by agencies or individuals subject to licensing

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or supervision by the Department or the State Department of Health Services.

10061. "Public assistance" and "public assistance programs" refer to those public social services programs provided for in Part 3 of this division.

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Amend Section 11-201.13 to read:

CHAPTER 11-200 OPERATIONAL STANDARDS

11-201 ORGANIZATION

11-201

.1 Separation of Income Maintenance Function from Services Functions

.13 State Department of Social Services (SDSS) Approval of Separation Plan

The county plan for separation shall be subject to approval by BBP SDSS.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Sections 10553 and 10554.

Repeal Section 11-201.14 through .2:

11-201 ORGANIZATION (Continued)

11-201

.1 Separation of Income Maintenance Function from Services Functions (Continued)

14 Reception Function

A distinct and specialized function of telephone and personal reception shall be established to facilitate and assure:

- 141 That all client and community requests for service and referrals from other public or private agencies are directed to the proper service unit.
- 142 That the right to apply for financial assistance is made known to all who express such a need and that such persons are directed to the income maintenance system.
- 143 That requests or referrals for services get directly to the service system and are not screened by the income maintenance system.

15 Quality Control

A Quality Control -- Corrective Action program shall be implemented by the county in accordance with Division 15 of the Operations Manual.

.2 Special Provisions for the Blind

Cases for APSB and other needs of the blind shall be assigned to designated service and eligibility staff members who have or will develop an expertise in the program.

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Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: (45 CFR 205.150 was amended April 23, 1982 deleting authority for this regulation.)

Repeal Section 11-501.3 through .8:

11-501 INCOME MAINTENANCE RESPONSIBILITIES (Continued) 11-501

~~.3 Interview~~

- ~~.31 A minimum of one face-to-face interview is required during the application process and the reinvestigation process. The interview may be a group interview unless the client requests an individual interview.~~
- ~~.32 The purposes of this interview are:
 - ~~.321 To identify the applicant or recipient;~~
 - ~~.322 To give information about resources and services including medical care benefits under Medi-Cal and the purpose, provision, and availability of early and periodic screening, diagnosis and treatment services for children under the Child Health Disability Prevention (CHDP) Program. Persons interested in obtaining screening services and requiring assistance shall be referred to social services unless other arrangements have been made with the local CHDP Program.~~
 - ~~.323 To explain responsibilities and methods for reporting changes in income and need to an income maintenance worker;~~
 - ~~.324 To assist in recording facts on the Form WR 2 if necessary;~~
 - ~~.325 To explain the right to a fair hearing and civil rights protections.~~~~
- ~~.33 When the client is in a state hospital for the mentally disordered or developmentally disabled, an interview by the designated hospital staff person meets this requirement.~~

~~.4 Referrals for Social Services~~

~~Income maintenance staff shall be continuously responsible for identification of the possible need for services assessment. Referral with the knowledge and consent of the client shall always be made promptly upon initial identification of any one of the following conditions:~~

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- 41 Service is requested by the client.
- 42 Information on the client's Statement of Facts (CA 2) provides clues as to a need for services.
- 43 A child or adult is in out-of-home care.
- 44 There appear to be physical or mental handicaps or unmet medical needs which limit an individual's ability to care for himself or to manage his affairs.
- 45 The individual is on leave of absence from a state hospital.
- 46 There is an out-of-wedlock pregnancy or an out-of-wedlock birth within the past two years.
- 47 An individual appears to be in need of help in handling his feelings about establishing eligibility or need.
- 48 There are indications the individual will need assistance in arranging for screening services for children under the Child Health Disability Prevention (CHDP) Program or in overcoming fears of medical treatment, understanding the importance of preventive health or in arranging for transportation, child care services or other services to enable the individual to take advantage of CHDP Benefits.
- 5 All other staff of the county welfare department have similar responsibility to refer to the service system any individual coming to its attention who meets the conditions in •4 above.
- 6 The responsibility of the eligibility worker in relation to services ceases at the point at which referrals are made under conditions listed in •4 above.
- 7 All referrals for service assessment shall be made on a prescribed form whether initiated in person or by telephone.
- 8 The county welfare department shall assure that adequate procedures exist for referral in relation to Fraud and Suspected Law Violations in accordance with Section 20-001, et seq.

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Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Sections 10553 and 10554.

#22 The County Staffing Plan shall function in accordance with the existing program standards developed to meet county needs for other entities which are organized to provide continuing professional services to the public.

#23 The County Staffing Plan shall establish standards for the preparation of staff members to meet the needs of the community. These standards shall be developed by the county in cooperation with the county's professional associations and shall be based on the needs of the county and the requirements of the county's professional associations.

#24 County Staffing Plan for Aides

The County Staffing Plan for Aides shall establish standards for the preparation of aides to meet the needs of the county. These standards shall be developed by the county in cooperation with the county's professional associations and shall be based on the needs of the county and the requirements of the county's professional associations.

#25 Qualifications for Aides

The County Staffing Plan may provide for the development and base of aides to assist in the income maintenance functions.

Code Section 10810.

1. The base of aides is specified in Welfare and Institutions

Mainstreaming into consideration the findings of the quality control system, promptness in processing applications and paying aid, currency of reinvestigations, appropriateness of identification factors as the BPR SSS shall establish as appropriate indicators and referral of persons for service assessment, and such other factors as the BPR SSS shall establish as appropriate indicators of performance.

The County will maintain the BPS-State Department of Social Services (SDSS) as standards which shall be submitted in the county plan subject to approval by the availability of clerical and other supportive processes, and functions shall be determined by the county, taking into account performance levels in income mainstreaming and quality control positions necessary to assure mainstreaming of eligible worker and eligiblity supervisor functions.

11-503 STAFFING STANDARDS

include use of adult education facilities, community colleges and other appropriate educational institutions.

*+3 General Requirements for Use of Aides

*+3+ Responsibility for the ongoing development and extension of use of aides shall be assigned to a specific member of the staff of the department.

*.11 Welfare and Institutions Code Section 10810 states:

Subject to the approval to the Department each county department is authorized to sponsor and conduct programs for the recruitment, training, and utilization of volunteers to assist county department employees in the performance of office duties and to aid in performing services in the counties including but not limited to the following:

- (a) Friendly visiting of the indigent aged;
- (b) Finding homes for foster children;
- (c) Escorting and transporting recipients to clinics and other destinations;
- (d) Aiding in location of improved housing;
- (e) Teaching homemaking skills and aiding in budgeting and care of the household;
- (f) Providing tutoring and other educational aid.

Volunteers shall not duplicate services performed by county department employees.

The county department shall maintain the confidentiality of records of recipients.

Authority: Welfare and Institutions Code Section 10553.

Reference: Welfare and Institutions Code Sections 10553 and 10810.

Amend and renumber Section 40-181.1; and renumber Section 11-501.9 to Section 40-181.16 to read:

40-181 CONTINUING ACTIVITIES AND DETERMINATION OF ELIGIBILITY 40-181

.1 General County Responsibility

.11 The county paying aid shall be responsible for continuing to determine eligibility to insure payment only to eligible recipients in the correct amount, to assist recipients to meet their financial and service needs as fully as possible, and to make maximum use of their resources and capabilities. For AFDC-FG or U cases, eligibility shall be established by the use of the CA 2 at time of application and then at one year intervals, and also by the CA 7 (Monthly Eligibility Report). For AFDC-FC cases eligibility shall be established by use of the CA 2 at the time of application if the parent or legal guardian is available and cooperating. If the parent or legal guardian is unavailable or not cooperating, eligibility shall be established by use of the CA 2 or FC 2. AFDC-FC eligibility shall be reestablished by use of the CA 2 or FC 2 at six-month intervals.

However, additional determinations shall be made as necessary if unexpected changes in income, property or other circumstances occur which effect the eligibility or grant level of the recipient.

.12 Issuance of aid in the correct amount is a primary program objective. To achieve this objective it is essential that the county shall:

.121 Give applicants and recipients at the time of application and at least once every twelve months thereafter complete explanations in writing regarding factors which may cause ineligibility, underpayments or overpayments, and their responsibility to report such changes within five calendar days (Section 40-105.14, Applicant and Recipient Responsibility). The factors which are to be explained shall include changes in income and resources, changes in need, etc. These requirements are met by the use of the CA 2 in AFDC and the APSB 201 in APSB. Verbal explanations shall also be given when necessary to assure understanding. The recipient shall signify

his/her understanding of his/her responsibilities in writing.

- .122 In AFDC, the monthly redetermination of eligibility shall follow the procedures in .121 above. This requirement is met by the use of the CA 7. The CA 7 shall be carefully checked each month upon its receipt so that correct grant computations are made. Special care should be taken to correct grant adjustments for overpayments when income/resources change.
- .13 Aid shall not be discontinued nor a warrant cancelled without compliance with Section 22-022.
- .14 Aid shall not be discontinued due solely to circumstances beyond the control of the recipient which prevents reporting changes within five calendar days or the prompt return of the APSB 201, CA 2 or CA 7 eligibility redetermination forms.
- .15 The county is responsible for continuing identification of service needs of the recipient, including medical assistance, and to provide prompt referral for these services.

tt-50t

- *9 .16 Referrals for child abuse and neglect are mandatory and may be made without the knowledge or consent of the relative or other person with whom the child is residing.
- *9t .161 Income maintenance staff shall refer to protective services whenever they suspect a child is being abused, neglected or exploited or that the home in which the child is living is unsuitable. See Department of Health regulations Section 30-402 for criteria for referrals.
- *92 .162 Income Maintenance staff shall cooperate with protective services, the court, or other agency in planning or implementing action in the best interest of the child.
- .167 Index and file controls shall be established and maintained to ensure appropriate and timely action on

items which could affect the recipients' eligibility or the amount of aid. This includes, but is not limited to, maintaining a "tickler file" informing eligibility workers when annual redeterminations are due.

.178 Documents and/or evidence required of the applicant/recipient to support the initial and/or continuing determination of eligibility must be received by the county on or before the appropriate deadline established by the county and/or in conjunction with each Eligibility Chapter of these regulations. However, when the deadline falls on a Saturday, Sunday or holiday, the documents and/or evidence received on the first business day following the weekend or holiday shall have the same effect as if it had been received on the appointed day.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Sections 10553 and 10554; 45 CFR 1357.25(e); and 42 USC Section 602(a)(VI).

RECEIVED FOR FILING

OCT 19 3 00 PM '84

OFFICE OF
ADMINISTRATIVE LAW

ENDORSED
ppqj for ENDORSEMENT

NOV 20 1984

Office of Administrative Law
LEAVE BLANK

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

ORD #0684-28

FILED

In the office of the Secretary of State
of the State of California

NOV 20 1984

At 4:30 o'clock PM.

MARCH FONG EU, Secretary of State

By Marylee Dosthberger

Deputy Secretary of State

LEAVE BLANK

AGENCY CONTACT PERSON AND POSITION

Jerry Demorest, Regulations Analyst

TELEPHONE

323-0881

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

SECTION AMENDED

Title: MPP Sections 44-101.523 through .526 and .535; 44-113.10 and 44-207.211(d)

SECTION ADOPTED

MPP Sections 44-111.21 and 44-111.3(c)

SECTION REPEALED

MPP Section 44-111.3(c)

3. TYPE OF ORDER (CHECK ONE)

Regular

Emergency
(Attach Finding of Emergency)

Certificate of Compliance

Other Regulatory Actions:

Procedural and Organizational Change

Editorial Correction

Authority and Reference
Citation Change

4. IS THIS ORDER A RESUBMITTAL OF A PREVIOUSLY DISAPPROVED OR WITHDRAWN REGULATION?

No

Yes, if yes give date of previous filing _____

5. IS THIS FILING A RESULT OF THE AGENCY'S REVIEW OF EXISTING REGULATIONS?

No

Yes

6. IF THESE REGULATIONS REQUIRED PRIOR REVIEW AND APPROVAL BY ANY OF THE FOLLOWING AGENCIES,
CHECK THE APPROPRIATE BOX OR BOXES.

State Fire Marshal
(Attach Approval)

Building Standards Comm.
(Attach Approval)

Fair Political Practices Comm.
(Include FPPC Approval Stamp)

Department of Finance
(Attach STD. Form 399)

7a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER

July 27, 1984

b. DATE OF ADOPTION OF REGULATION(S)

October 16, 1984

c. DATES OF AVAILABILITY OF MODIFIED
REGULATION(S) (GOV. CODE SEC. 11346.8(c))

8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR?

No

Yes

9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTIONS
ON REVERSE)

a. Effective 30th day after filing with the Secretary of State.

b. Effective on _____ as required by statutes: (list) _____

c. Effective on _____ (Designate effective date **earlier than** 30 days after filing with the Secretary
of State pursuant to Government Code Section 11346.2(d).)

Request Attached

d. Effective on _____ (Designate effective date **later than** 30 days after filing with the Secretary of
State.)

INSTRUCTIONS FOR STD 400 (OAL-4)

A completed Face Sheet for Filing Regulations With the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer authorized to submit regulations.

Part 1. Provide agency name and signature of the agency officer. Also provide the name and telephone number of the person who can answer questions regarding this regulatory filing.

Part 2. Provide the Administrative Code Title in which the regulation will appear and list each section number to be amended, adopted, or repealed.

(Attach additional sheets if necessary.)

Part 3. Check appropriate box. If other than a regular or emergency filing or certificate of compliance, check the appropriate box under "Other Regulatory Action." Note: Procedural and organizational changes, editorial corrections and authority and reference citation changes are reviewed and are subject to OAL approval.

Part 4. Check appropriate box.

Part 5. Regulatory activity resulting from the agency's review of existing regulations should be submitted in a separate filing. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.

Part 6. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:

- a. Fire and panic safety regulations (Gov. Code Sec. 11342.3).
- b. Building standards as defined in Section 18969 of the Health and Safety Code (Gov. Code Sec. 11343).
- c. Conflict of Interest regulations (Gov. Code Sec. 87300 et seq.).

Note: Regulations that have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts should be discussed with the Department of Finance. See Government Code Sections 11346.5(a) (6), 11349.1 and S.A.M. Sections 6050–6057.

Part 7. a. Provide the publication date of the Notice Register in which the initial notice regarding these regulations appeared.

- b. Provide the date on which the regulatory agency adopted the regulation(s).
- c. If the regulations were modified subsequent to the hearing or written comment period, provide the date the modified regulations were made available to the public. Note that this date must be at least 15 days prior to the date indicated in (b.) above.

Part 8. Check appropriate box. This information is for statistical purposes.

Part 9. Effective Dates—check one of the following:

- a. If regulations are to be effective 30 days after filing with the Secretary of State.
- b. If an effective date other than (a.) is required by statute, provide the date and the statutory citation(s).
- c. If a designated effective date is being requested, please include a letter specifying the date the regulation(s) should take effect and the reason for the earlier effective date. Requests are granted by OAL for good cause shown.
- d. If an effective date later than (a.) is requested, provide the date.

Filing Requirements

The following material must be submitted when filing regulations with OAL:

- Seven (7) copies of the regulations. Note: Use underline/strikeout to indicate changes in an existing section. Repeal of an entire section may be indicated by placing a diagonal slash through text. For adoption of new section, underscore is not required.
- A completed Face Sheet for Filing Regulations With the Office of Administrative Law, form STD 400 (OAL-4) attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Government Code Section 11347.3 for full list of rulemaking file contents and Appendix 13 of OAL Regulations Handbook for a rulemaking file checklist.)

CERTIFICATE OF COMPLIANCE - Section 11346.1(e), Government Code

The Department of Social Services hereby certifies that it has complied with the provisions of Sections 11346.4 through 11346.8 inclusive of the Government Code, within 120 days of the effective date of the following emergency regulations which were filed with the Secretary of State on June 29, 1984, and which became effective on July 1, 1984.

Sections:

<u>Amended</u>	<u>Adopted</u>	<u>Repealed</u>
MPP Sections 44-101.523 through .526, inclusive	MPP Section 44-111.21	MPP Section 44-111.3(c)
MPP Section 44-101.535	MPP Section	MPP Section
MPP Section 44-113.10	44-111.3(c)	44-113.103
MPP Section 44-207.211(d)		

No amendments or repealers resulted from the public hearing held on September 11, 1984.

Linda S. McMahon
LINDA S. McMAHON
Director

10/16/84
Date

(1) Amend MPP Section 44-101.523 through .526 inclusive, and 44-101.535 to read:

44-101 INCOME DEFINITIONS (Continued)

44-101

.5 Earned Income (Continued)

.52 Earned income also includes: (Continued)

- .523 Earnings under Title I of the Elementary and Secondary Education Act, and wages paid under the Job Training Partnership Act (JTPA), (see Section 44-111.21 for disregard applicable to JTPA earned income of a child).
- .524 Payments under the Economic Opportunity Act, including payments to beneficiaries of assistance under the Act, through such programs as the Neighborhood Youth Corps, New Careers and Concentrated Employment.
- .525 Training incentive payments and work allowances under ongoing manpower programs, other than WIN and JTPA.
- .526 Earnings from On-the-Job Training (OJT or WIN/CUD) and earnings from Public Service Employment, other than Public Service Employment under the WIN program (WIN/PSE).

.53 Earned income does not include: (Continued)

- .535 The training allowances paid to a recipient in JTPA programs. The expense allowance paid to an adult JTPA participant is applied against the actual expenses of training in determining net income. Only the amount that exceeds the expenses is counted as income.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Section 11008.15; Public Law 97-300, Title I, Section 184(a)(1); Section 402(a)(8)(A) of the Social Security Act; 42 USC 602(a)(8)(A)(v); 45 CFR 233.20(a)(3)(xvii).

(2) Adopt MPP Section 44-111.21 to read:

44-111 PAYMENTS EXCLUDED OR EXEMPT FROM CONSIDERATION AS INCOME (Continued) 44-111

.2 Exemption of Earned Income

.21 Job Training Partnership Act (JTPA) - Earned Income of a Child

.211 All earnings of a child (see Section 42-101 for age requirement) which are derived from participation in JTPA programs shall be disregarded from consideration as income for both eligibility and grant determinations for up to six months per calendar year. This disregard also applies when determining the [185]* percent income limit for eligibility (see Section 44-207).

.212 When the six-month disregard has expired and the child is a student, his/her earnings from JTPA shall be disregarded pursuant to 44-111.22.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Section 11008.15; Section 402(a)(8)(A) of the Social Security Act; 42 USC 602(a)(8)(A)(v); 45 CFR 233.20(a)(11)(ii)(A); 45 CFR 233.20(a)(11)(v).

* This revision was adopted via separate Department of Social Services (DSS) regulations entitled "ORD 0884-37-Public Law 98-369, [DEFRA] AFDC Revisions" effective October 1, 1984. See Item 1 of the DSS Notice of November 28, 1984 Public Hearing (October 12, 1984 edition of the California Administrative Notice Register).

(3) Repeal existing and adopt new MPP Section 44-111.3(c) to read:

44-111 PAYMENTS EXCLUDED OR EXEMPT FROM CONSIDERATION AS INCOME (Continued) 44-111

.3 Exemption of Payments from Public Sources (Continued)

(c) Job Training Partnership Act (JTPA)

- (1) Payments, other than earnings, to a child (see Section 42-101 for age requirement) which are derived from participation in JTPA programs shall be disregarded as income for both eligibility (including the [185]* percent income limit) and grant determinations. There is no time limit for this disregard. This disregard does not apply to earnings paid under the Act (see Section 44-111.21).
- (2) Payments to an adult which are derived from participation in JTPA programs shall be exempt as income to the extent the payment reimbursements do not exceed actual expenses. This exemption does not apply to earnings paid under the Act.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Section 11008.15; Public Law 97-300, Title I, Section 184(a)(1); Section 402(a)(8)(A) of the Social Security Act; 42 USC 602(a)(8)(v); 45 CFR 233.20(a)(3)(xvii); 45 CFR 233.20(a)(11)(v).

* This revision was adopted via separate Department of Social Services (DSS) regulations entitled "OKD 0884-37-Public Law 98-369 [DEFRA] AFDC Revisions" effective October 1, 1984 (October 12, 1984 edition of the California Administrative Notice Register).

(4) Amend MPP Section 44-113.10 to read:

44-113 NET INCOME (Continued)

44-113

.1 Property (Continued)

.10 Income From Public Service Employment (PSE)

- .101 Net income from WIN/PSE is the amount remaining after the deduction of work-related expenses and dependent care found under Section 44-113.2. The Earned Income Exemptions found under Section 44-111.23 do not apply to WIN/PSE income.
- .102 Income from PSE under a program other than WIN is treated as regular employment earnings (see Section 44-113.21) and the earned income exemption is allowed.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Section 10553. Public Law 97-300, Title I, Section 184(a)(1).

(5) Amend MPP Section 44-207.211(d) to read:

44-207 INCOME ELIGIBILITY (Continued)

44-207

.2 185 Percent Income Limit for Eligibility (Continued)

.21 Description of [185]* percent income limit (Continued)

.211 After application of the appropriate exemptions and exclusions not otherwise precluded by this section, income considered in the [185]* percent income limit is the total of gross income as defined in Chapter 44-100. For purpose of the [185]* percent income limit, the following exceptions shall apply: (Continued)

(d) The [earnings]* of children who are [full-time]* students [and/or earnings of children]* derived from participation in JTPA programs shall be disregarded for up to six months per calendar year (see Section 44-111.21 [and .22]). Up to 12 months of disregards are available per calendar year but no more than six months are available for JTPA-related employment and another six months for non-JTPA-related employment. Unearned income]* of a child derived from participating in JTPA is totally disregarded with no limitation on time[See Section 44-111.3c.]*

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Section 11008.15; Section 402(a)(8)(A) of the Social Security Act; 42 USC 602(a)(8)(v); 45 CFR 233.20(a)(11)(i)(A); 45 CFR 233.20(a)(11)(ii)(A).

* These revisions were adopted via separate Department of Social Services (DSS) regulations entitled "ORD 0884-37-Public Law 98-369 [DEFRA] AFDC Revisions" effective October 1, 1984. See Item 1 of the DSS Notice of November 28, 1984 Public Hearing (October 12, 1984 edition of the California Administrative Notice Register).

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NOV 2 3 28 PM '84

OFFICE OF
ADMINISTRATIVE LAW

ENDORSED
APPROVED FOR FILING

NOV 29 1984

Office of Administrative Law

LEAVE BLANK

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

1. ATTACHED ARE REGULATIONS ADOPTED,
AMENDED OR REPEALED BY:

State Department of Social Services

(AGENCY)

BY:

Rosalie Clark

(AGENCY OFFICER AUTHORIZED TO SUBMIT REGULATIONS)

FILED
In the office of the Secretary of State
of the State of California

NOV 29 1984

At 4:16 o'clock P.M.
MARCH FONG EU, Secretary of State
By Marjorie Herschberger
Deputy Secretary of State

LEAVE BLANK

AGENCY CONTACT PERSON AND POSITION

Diane Moritz Glazer

TELEPHONE

323-0885

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

SECTIONS AMENDED

MPP 40-187.222b

Title: _____

SECTIONS ADOPTED

SECTIONS REPEALED

3. TYPE OF ORDER (CHECK ONE)

Regular

Emergency
(Attach Finding of Emergency)

Certificate of Compliance

Other Regulatory Actions:

Procedural and Organizational
Change

Editorial Correction

Authority and Reference
Citation Change

4. IS THIS ORDER A RESUBMITTAL OF A PREVIOUSLY DISAPPROVED OR WITHDRAWN REGULATION?

No

Yes, if yes give date of previous filing _____

5. IS THIS FILING A RESULT OF THE AGENCY'S REVIEW OF EXISTING REGULATIONS?

No

Yes

6. IF THESE REGULATIONS REQUIRED PRIOR REVIEW AND APPROVAL BY ANY OF THE FOLLOWING AGENCIES,
CHECK THE APPROPRIATE BOX OR BOXES.

State Fire Marshal
(Attach Approval)

Building Standards Comm.
(Attach Approval)

Fair Political Practices Comm.
(Include FPPC Approval Stamp)

Department of Finance
(Attach STD. Form 399)

7a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER

N/A

b. DATE OF ADOPTION OF REGULATION(S)

October 31, 1984

c. DATES OF AVAILABILITY OF MODIFIED
REGULATION(S) (GOV. CODE SEC. 11346.8(c))

N/A

8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR?

No

Yes

9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTIONS
ON REVERSE)

a. Effective 30th day after filing with the Secretary of State.

b. Effective on _____ as required by statutes: (list) _____

c. Effective on _____ (Designate effective date **earlier than** 30 days after filing with the Secretary
of State pursuant to Government Code Section 11346.2(d).)

Request Attached

d. Effective on _____ (Designate effective date **later than** 30 days after filing with the Secretary of
State.)

INSTRUCTIONS FOR STD 400
(OAL-4)

A completed Face Sheet for Filing Regulations With the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer authorized to submit regulations.

Part 1. Provide agency name and signature of the agency officer. Also provide the name and telephone number of the person who can answer questions regarding this regulatory filing.

Part 2. Provide the Administrative Code Title in which the regulation will appear and list each section number to be amended, adopted, or repealed.

(Attach additional sheets if necessary.)

Part 3. Check appropriate box. If other than a regular or emergency filing or certificate of compliance, check the appropriate box under "Other Regulatory Action." Note: Procedural and organizational changes, editorial corrections and authority and reference citation changes are reviewed and are subject to OAL approval.

Part 4. Check appropriate box.

Part 5. Regulatory activity resulting from the agency's review of existing regulations should be submitted in a separate filing. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.

Part 6. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:

- a. Fire and panic safety regulations (Gov. Code Sec. 11342.3).
- b. Building standards as defined in Section 18969 of the Health and Safety Code (Gov. Code Sec. 11343).
- c. Conflict of Interest regulations (Gov. Code Sec. 87300 et seq.).

Note: Regulations that have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts should be discussed with the Department of Finance. See Government Code Sections 11346.5(a) (6), 11349.1 and S.A.M. Sections 6050–6057.

Part 7. a. Provide the publication date of the Notice Register in which the initial notice regarding these regulations appeared.

- b. Provide the date on which the regulatory agency adopted the regulation(s).
- c. If the regulations were modified subsequent to the hearing or written comment period, provide the date the modified regulations were made available to the public. Note that this date must be at least 15 days prior to the date indicated in (b.) above.

Part 8. Check appropriate box. This information is for statistical purposes.

Part 9. Effective Dates—check one of the following:

- a. If regulations are to be effective 30 days after filing with the Secretary of State.
- b. If an effective date other than (a.) is required by statute, provide the date and the statutory citation(s).
- c. If a designated effective date is being requested, please include a letter specifying the date the regulation(s) should take effect and the reason for the earlier effective date. Requests are granted by OAL for good cause shown.
- d. If an effective date later than (a.) is requested, provide the date.

Filing Requirements

The following material must be submitted when filing regulations with OAL:

- Seven (7) copies of the regulations. Note: Use underline/strikeout to indicate changes in an existing section. Repeal of an entire section may be indicated by placing a diagonal slash through text. For adoption of new section, underscore is not required.
- A completed Face Sheet for Filing Regulations With the Office of Administrative Law, form STD 400 (OAL-4) attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Government Code Section 11347.3 for full list of rulemaking file contents and Appendix 13 of OAL Regulations Handbook for a rulemaking file checklist.)

Repeal footnote preceding handbook example under MPP Section 40-187.222b:

40-187 INTERCOUNTY TRANSFERS -- GENERAL (Continued)

40-187

- 2 Responsibility for Payment of Aid when a Recipient Moves from One County to Another to Make His/Her Home (Continued)
- 22 Exceptions to Intercounty Transfer Rule (Continued)
- 222 (Continued)

b. If the FBU consists of the transferred child, the parent(s) or relative caretaker, and other AFDC eligible children, the first county's financial responsibility is limited to the difference between the AFDC aid payment computed including, and then excluding, the transferred child.

* These MAP amounts are subject to change. Use current applicable value in 44-315.411.

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EXAMPLE

A child receiving AFDC from County A moves to County B to live with his mother, who is receiving AFDC from County B for her three other children. The mother requests aid for the transferred child. County A is responsible for payment of AFDC for the transferred child for the duration of the transferred period. This is calculated as \$88:

Maximum Aid (five persons)	\$713 *
Maximum Aid (four persons)	625 *
Difference	\$ 88

* MAP amounts are subject to change. Use currently applicable amounts specified in Section 44-315.411.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Sections 10553 and 10554.

FACE SHEET
(OAL-4)

84-113084
(See Instructions on Reverse)

ORD #1034-48

RECEIVED FOR FILING

Nov 30 10 15 AM '84

OFFICE OF
ADMINISTRATIVE LAW

ENDORSED
APPROVED FOR FILING
DEC 06 1984

Office of Administrative Law
LEAVE BLANK

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

1. ATTACHED ARE REGULATIONS ADOPTED,
AMENDED OR REPEALED BY:

Department of Social Services
(AGENCY)

BY: *Linda S. McMahon*
(AGENCY OFFICER AUTHORIZED TO SUBMIT REGULATIONS)

FILED
In the office of the Secretary of State
of the State of California

DECEMBER - 1984
At 4:16 o'clock P.M.
MARCH FONG EU, Secretary of State
By *Cathleen Petuck*
Deputy Secretary of State

LEAVE BLANK

AGENCY CONTACT PERSON AND POSITION
Janet Lombard, Regulations Analyst

TELEPHONE
323-1899

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

SECTIONS AMENDED

Title: 81068.1

SECTIONS ADOPTED

81070, 88068.1, 88070

SECTIONS REPEALED

3. TYPE OF ORDER (CHECK ONE)

Regular

Emergency
(Attach Finding of Emergency)

Certificate of Compliance

Other Regulatory Actions:

Procedural and Organizational
Change

Editorial Correction

Authority and Reference
Citation Change

4. IS THIS ORDER A RESUBMITTAL OF A PREVIOUSLY DISAPPROVED OR WITHDRAWN REGULATION?

No

Yes, if yes give date of previous filing _____

5. IS THIS FILING A RESULT OF THE AGENCY'S REVIEW OF EXISTING REGULATIONS?

No

Yes

6. IF THESE REGULATIONS REQUIRED PRIOR REVIEW AND APPROVAL BY ANY OF THE FOLLOWING AGENCIES,
CHECK THE APPROPRIATE BOX OR BOXES.

State Fire Marshal
(Attach Approval)

Building Standards Comm.
(Attach Approval)

Fair Political Practices Comm.
(Include FPPC Approval Stamp)

Department of Finance
(Attach STD. Form 399)

7a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER
November 30, 1984

b. DATE OF ADOPTION OF REGULATION(S)

November 27, 1984

c. DATES OF AVAILABILITY OF MODIFIED
REGULATION(S) (GOV. CODE SEC. 11346.8(c))

8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR?

No

Yes

9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTIONS
ON REVERSE)

a. Effective 30th day after filing with the Secretary of State.

b. Effective on _____ as required by statutes: (list) _____

c. Effective on filing _____ (Designate effective date **earlier than** 30 days after filing with the Secretary
of State pursuant to Government Code Section 11346.2(d).)

Request Attached

d. Effective on _____ (Designate effective date **later than** 30 days after filing with the Secretary of
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INSTRUCTIONS FOR STD 400 (OAL-4)

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Part 2. Provide the Administrative Code Title in which the regulation will appear and list each section number to be amended, adopted, or repealed.

(Attach additional sheets if necessary.)

Part 3. Check appropriate box. If other than a regular or emergency filing or certificate of compliance, check the appropriate box under "Other Regulatory Action." Note: Procedural and organizational changes, editorial corrections and authority and reference citation changes are reviewed and are subject to OAL approval.

Part 4. Check appropriate box.

Part 5. Regulatory activity resulting from the agency's review of existing regulations should be submitted in a separate filing. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.

Part 6. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:

- a. Fire and panic safety regulations (Gov. Code Sec. 11342.3).
- b. Building standards as defined in Section 18969 of the Health and Safety Code (Gov. Code Sec. 11343).
- c. Conflict of Interest regulations (Gov. Code Sec. 87300 et seq.).

Note: Regulations that have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts should be discussed with the Department of Finance. See Government Code Sections 11346.5(a) (6), 11349.1 and S.A.M. Sections 6050–6057.

Part 7. a. Provide the publication date of the Notice Register in which the initial notice regarding these regulations appeared.

- b. Provide the date on which the regulatory agency adopted the regulation(s).
- c. If the regulations were modified subsequent to the hearing or written comment period, provide the date the modified regulations were made available to the public. Note that this date must be at least 15 days prior to the date indicated in (b.) above.

Part 8. Check appropriate box. This information is for statistical purposes.

Part 9. Effective Dates—check one of the following:

- a. If regulations are to be effective 30 days after filing with the Secretary of State.
- b. If an effective date other than (a.) is required by statute, provide the date and the statutory citation(s).
- c. If a designated effective date is being requested, please include a letter specifying the date the regulation(s) should take effect and the reason for the earlier effective date. Requests are granted by OAL for good cause shown.
- d. If an effective date later than (a.) is requested, provide the date.

Filing Requirements

The following material must be submitted when filing regulations with OAL:

- Seven (7) copies of the regulations. Note: Use underline/strikeout to indicate changes in an existing section. Repeal of an entire section may be indicated by placing a diagonal slash through text. For adoption of new section, underscore is not required.
- A completed Face Sheet for Filing Regulations With the Office of Administrative Law, form STD 400 (OAL-4) attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Government Code Section 11347.3 for full list of rulemaking file contents and Appendix 13 of OAL Regulations Handbook for a rulemaking file checklist.)

Amend Section 81068.1 to read:

81068.1 ADMISSION PROCEDURES

81068.1

- (a) Each licensee shall develop, implement and maintain an admission procedure, according to the center's individual program, policies, and needs, which enables the person in charge of admissions to:
- (1) Determine that the child meets the center's admission criteria.
 - (2) Conduct one or more personal interviews with the parent which meet the following requirements:
 - (A) Enable the person responsible for admissions to understand the state of the child's individual health, physical and emotional development, and whether his/her needs can be met by the center.
 - (B) Provide the parent with information about the center which shall include at least, its admission policies and procedures, activities, services, regulations, hours and days of operations, fees, procedures which shall be followed should the child become ill or injured while at the center, and inspection for illness procedures.
 - (C) Provide each parent with a copy of a child abuse prevention pamphlet furnished by the Department.
I. The licensee shall request the parent to sign and date a receipt that the parent has received and read the pamphlet.
 - (3) Obtain all identifying information specified in Sections 80070(b) and 81070(b).
 - (4) Obtain all health information specified in Section 80069 and 81070(c).
- (b) Within 30 days of receipt of an initial supply of child abuse prevention pamphlets furnished by the Department, the licensee shall distribute a pamphlet to the parent of each child being cared for in the facility.
- (c) The licensee shall request the parent to sign and date a receipt that the parent has received and read the pamphlet.

Authority: **Health and Safety Code Section 1530.**

Reference: **Health and Safety Code Sections 1501, 1527, 1528,
and 1531, and Resolution Chapter 147.**

Adopt new Section 81070(d) to read:

81070 CHILD'S RECORDS (Continued)

81070

- (d) Each child's record shall contain the receipt signed and dated by the parent acknowledging receipt of the child abuse prevention pamphlet required in Section 81068.1.
- (1) If the parent refuses to sign a receipt for the pamphlet, a dated notation to that effect shall be retained in the child's record.

Authority: Health and Safety Code Section 1530.

Reference: Health and Safety Code Sections 1501, 1527, 1528, and 1531, and Resolution Chapter 147.

Adopt new Section 88068.1 to read:

88068.1 ADMISSION PROCEDURES

88068.1

- (a) Within 30 days of receipt of an initial supply of child abuse prevention pamphlets furnished by the Department, the licensee shall distribute a pamphlet to the parent of each child being cared for in the home.
- (1) The licensee shall request the parent to sign and date a receipt that the parent has received and read the pamphlet.
- (b) At the time of acceptance of each child into care, the licensee shall provide the child's parent with a copy of the pamphlet.
- (1) The licensee shall request the parent to sign and date a receipt that the parent has received and read the pamphlet.

Authority: Health and Safety Code Section 1597.51(c).

Reference: Resolution Chapter 147.

Adopt new Section 88070 to read:

88070 CHILD'S RECORDS

88070

- (a) The licensee shall maintain, in the home, the receipt signed and dated by the parent acknowledging receipt of the child abuse prevention pamphlet required in Section 88068.1.
- (b) If the parent refuses to sign a receipt for the pamphlet, a dated notation to that effect, containing the parent's name and telephone number, shall be retained with the receipts.
- (c) The signed and dated receipts and notations shall be retained for at least three years following termination of service to the child.

Authority: Health and Safety Code Section 1597.51(c).

Reference: Resolution Chapter 147.

FACE SHEET
(OAL-4)

RECEIVED FOR FILING

DEC 13 3 04 PM '84

OFFICE OF
ADMINISTRATIVE LAW

ENDORSED

DEC 14 1984

ON FILE ADMINISTRATIVE LAW
LEAVE BLANK

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

ORD #0184-01

FILED

In the office of the Secretary of State
of the State of California

DEC 14 1984

At 4:08 o'clock P.M.

MARCH FONG EU, Secretary of State

By Marjorie Hershberger
Deputy Secretary of State

LEAVE BLANK

AGENCY CONTACT PERSON AND POSITION
Rick Torres, Regulations Analyst

TELEPHONE 5-0313/3-0883

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

Title: 22 SECTIONS AMENDED
30-100.23 & 30-186.1

SECTIONS ADOPTED

30-109.1, .11, .12, .13, .131, .132, .14, .141; 30-134.13, .131-.134, .14, .15, .16, & .161-.164

SECTIONS REPEALED

3. TYPE OF ORDER (CHECK ONE)

Regular

Emergency
(Attach Finding of Emergency)

Certificate of Compliance

Other Regulatory Actions:

Procedural and Organizational Change

Editorial Correction

Authority and Reference
Citation Change

4. IS THIS ORDER A RESUBMITTAL OF A PREVIOUSLY DISAPPROVED OR WITHDRAWN REGULATION?

No

Yes, if yes give date of previous filing April 20, 1984

5. IS THIS FILING A RESULT OF THE AGENCY'S REVIEW OF EXISTING REGULATIONS?

No

Yes

6. IF THESE REGULATIONS REQUIRED PRIOR REVIEW AND APPROVAL BY ANY OF THE FOLLOWING AGENCIES,
CHECK THE APPROPRIATE BOX OR BOXES.

State Fire Marshal Building Standards Comm. Fair Political Practices Comm. Department of Finance
(Attach Approval) (Attach Approval) (Include FPPC Approval Stamp) (Attach STD. Form 399)

7a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER

November 30, 1984

b. DATE OF ADOPTION OF REGULATION(S)

December 7, 1984

c. DATES OF AVAILABILITY OF MODIFIED
REGULATION(S) (GOV. CODE SEC. 11346.8(c))

Not applicable

8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR?

No

Yes

9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTIONS
ON REVERSE)

a. Effective 30th day after filing with the Secretary of State.

b. Effective on _____ as required by statutes: (list)

c. Effective on _____ upon filing with the Secretary of State

(Designate effective date **earlier than** 30 days after filing with the Secretary of State pursuant to Government Code Section 11346.2(d).)

Request Attached

d. Effective on _____ (Designate effective date **later than** 30 days after filing with the Secretary of State.)

INSTRUCTIONS FOR STD 400 (OAL-4)

A completed Face Sheet for Filing Regulations With the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer authorized to submit regulations.

Part 1. Provide agency name and signature of the agency officer. Also provide the name and telephone number of the person who can answer questions regarding this regulatory filing.

Part 2. Provide the Administrative Code Title in which the regulation will appear and list each section number to be amended, adopted, or repealed.

(Attach additional sheets if necessary.)

Part 3. Check appropriate box. If other than a regular or emergency filing or certificate of compliance, check the appropriate box under "Other Regulatory Action." Note: Procedural and organizational changes, editorial corrections and authority and reference citation changes are reviewed and are subject to OAL approval.

Part 4. Check appropriate box.

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- c. Conflict of Interest regulations (Gov. Code Sec. 87300 et seq.).

Note: Regulations that have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts should be discussed with the Department of Finance. See Government Code Sections 11346.5(a) (6), 11349.1 and S.A.M. Sections 6050–6057.

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- b. Provide the date on which the regulatory agency adopted the regulation(s).
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Part 8. Check appropriate box. This information is for statistical purposes.

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- b. If an effective date other than (a.) is required by statute, provide the date and the statutory citation(s).
- c. If a designated effective date is being requested, please include a letter specifying the date the regulation(s) should take effect and the reason for the earlier effective date. Requests are granted by OAL for good cause shown.
- d. If an effective date later than (a.) is requested, provide the date.

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- Complete rulemaking file, with index and sworn statement. (See Government Code Section 11347.3 for full list of rulemaking file contents and Appendix 13 of OAL Regulations Handbook for a rulemaking file checklist.)

Amend Section 30-100.223 to read:

30-100 GENERAL

30-100

.2 (Continued)

.23 Provision of services to an Indian children shall be subject to the additional requirements specified in Sections 30-109, 30-134.13 and 30-186.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: 25 USC 1916(b). (ICWA of 1978).

Adopt Section 30-109 to read:

30-109 SPECIAL PROVISIONS FOR INDIAN CHILDREN AS DEFINED 30-109
BY THE INDIAN CHILD WELFARE ACT (ICWA)

.1 When dependency petitions are initiated by county welfare department (CWD) staff (workers) on behalf of a child who is or may be an Indian child as defined by the ICWA (see Section 30-134.13 et seq.), the worker shall:

.11 Identify in the petition that the child is or may be an Indian child as defined by the ICWA.

.12 Give notice to the Indian child's parent(s) or Indian custodian(s) and the child's tribe(s), by registered mail with return receipt requested, of the pending proceedings and their right to intervene at any point in the proceedings. This notice shall be sent on Form SOC 319 "Notice of Hearing" and must be received by the Indian child's parent(s) or custodian and tribe no later than 10 days prior to the hearing date.

(a) When the identity or location of the parent(s), Indian custodian(s), or tribe cannot be determined, notice shall be given to the Secretary of the Interior (Secretary) by registered mail, return receipt requested.

The Secretary will have 15 days from receipt of notice to provide the required notice in Section 30-109.12 to the parent(s), Indian custodian and tribe.

(b) Notice to the Secretary shall be mailed to the Sacramento Area Director, Bureau of Indian Affairs, Federal Office Building, 2800 Cottage Way, Sacramento, California, 95825.

The notice shall include the following information if known:

(A) Indian child's name, birthdate, and birthplace.

(B) Indian child's tribal affiliation.

- (C) Indian child's parent(s) or Indian custodian(s) name, birthdate, birthplace and mother's maiden name.
- (D) A copy of the petition, complaint, or other document by which the proceeding was initiated.
- .13 Document efforts made to provide services and rehabilitative programs designed to prevent the breakup of the Indian family, and that such efforts were unsuccessful.
- .131 It shall not be necessary to show such efforts have been made in emergency situations prior to temporary removal from the home where it is determined that, even with reasonable services being provided, such removal is essential to protect the child from serious physical or emotional damage.
- (a) Efforts to provide services shall be made subsequent to such emergency removal.
- .132 Where an emergency situation exists and it has been determined that an Indian child must be temporarily removed from the home, the worker shall make efforts to place the child in an Indian home, and shall notify the appropriate Indian tribal entity of the removal in order to solicit tribal assistance and support in the placement of the child.
- .14 Present to the court clear and convincing evidence, by qualified expert witnesses in addition to testimony of county welfare staff involved in the dependency action, that the continued custody of the child by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child. Where the county welfare department provides the expert witness, the witness shall be:
- .141 A person other than the caseworker who initiated the dependency action and one of the following:
- (a) A member of the Indian child's tribe who is recognized by the tribal community as knowledgeable in tribal customs as they pertain to family organization and child rearing practices or

- (b) A lay expert witness who has substantial experience in the delivery of child and family services to Indians, and extensive knowledge of prevailing social and cultural standards and child rearing practices within the Indian child's tribe or
- (c) A professional person who has substantial education and experience in the area of his or her specialty.

Authority: Welfare and Institutions Code Section 10553 and 10554.

Reference: 25 USC 1902; 25 USC 1912(a)(d) and (e); 25 USC 1915(a)(1-3) and (6); 25 USC 1921; 25 CFR 23.11(a), (b)12, and (c) et. seq.; Guidelines for State Courts, Indian Child Custody Proceedings as published in the Federal Register, November 26, 1979, Items 3.1.(a) and 0.4.(b).

Adopt Section 30-134.13 to read:

30-134 INITIAL EVALUATION (Continued)

30-134

.1 (Continued)

.13 Make inquiries to determine whether the child is or may be an Indian child as defined by the ICWA (see Section 30-002(0)).

.131 When there is any oral or written information which indicates that the child is or may be an Indian child, the worker shall obtain the following:

(a) name, address, date of birth, and tribal affiliation of birth parents, grandparents, and great grandparents.

(b) name and address of tribal governing organizations.

.132 Complete Request for Confirmation of Child's Status as an Indian (SOC 318).

.133 Obtain a certified copy of the child's birth certificate.

.134 Send completed SOC 318 and the certified copy of the birth certificate to the Bureau of Indian Affairs (BIA) for a determination as to whether or not the child is an Indian as defined by the ICWA.

.14 When it is determined that the child is not an Indian child as defined by the ICWA, the worker shall follow the procedures in Sections 30-100 and 30-200 et seq.

.15 When the child is determined to be an Indian child as defined by the ICWA, the worker shall follow the procedures outlined in Section 30-109 et seq.

.16 If at the time of the dependency court appearance, no determination has been made regarding the child's status as an Indian child, as defined by the ICWA, the worker shall:

.161 Advise the court of all information which indicates that the child may be an Indian child.

- 162 Advise the court of all efforts made to establish the child's status as an Indian child.
- 163 Request direction from the court on how to proceed with the dependency action.
- 164 Continue contacts with the BIA until the question of the child's status as an Indian child, as defined by the ICWA, has been resolved and the resolution is documented in the case record for future reference.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: 25 USC 1916(b); Guidelines for State Courts, Indian Child Custody Proceedings as published in the Federal Register November 26, 1979, Item S.1.(a).

Amend Section 30-186.1 to read:

30-186 ADDITIONAL REQUIREMENTS FOR THE APPLICATION OF THE 30-186
INDIAN CHILD WELFARE ACT (ICWA)

- 1 In addition to meeting the general requirements specified in this chapter, the county welfare department shall ensure that applicable provisions of Sections 30-109 et seq. and 30-134.13 et seq. 30-368 are met when a petition for continued detention is filed by the social worker on behalf of an Indian child.

Authority: Welfare and Institutions Code Section 10553 and 10554.

Reference: 25 USC 1916(b), (ICWA of 1978)

FACE SHEET
(OAL-4)

84-1128-3C
(See Instructions on Reverse)

ORD #734-36

RECEIVED FOR FILING

Nov 29 10 28 AM '84

OFFICE OF
ADMINISTRATIVE LAW
ENDORSED
APPROVED FOR FILING
DEC 28 1984

Office of Administrative Law

LEAVE BLANK

1. ATTACHED ARE REGULATIONS ADOPTED,
AMENDED OR REPEALED BY:

DEPARTMENT OF SOCIAL SERVICES

(AGENCY)

BY:

Linda S. McMahon

(AGENCY OFFICER AUTHORIZED TO SUBMIT REGULATIONS)

FILED
In the office of the Secretary of State
of the State of California

DEC 28 1984
At 4:30 o'clock P.M.
MARCH LONG EU, Secretary of State
By Virginia L. Brink
Deputy Secretary of State

LEAVE BLANK

AGENCY CONTACT PERSON AND POSITION

TELEPHONE 445-0313

Dan Fleek, Regulations Analyst

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

SECTIONS AMENDED

Title: 44-207.411

SECTIONS ADOPTED

SECTIONS REPEALED

3. TYPE OF ORDER (CHECK ONE)

Regular

Emergency
(Attach Finding of Emergency)

Certificate of Compliance

Other Regulatory Actions:

Procedural and Organizational
Change

Editorial Correction

Authority and Reference
Citation Change

4. IS THIS ORDER A RESUBMITTAL OF A PREVIOUSLY DISAPPROVED OR WITHDRAWN REGULATION?

No

Yes, if yes give date of previous filing _____

5. IS THIS FILING A RESULT OF THE AGENCY'S REVIEW OF EXISTING REGULATIONS?

No

Yes

6. IF THESE REGULATIONS REQUIRED PRIOR REVIEW AND APPROVAL BY ANY OF THE FOLLOWING AGENCIES,
CHECK THE APPROPRIATE BOX OR BOXES.

State Fire Marshal
(Attach Approval)

Building Standards Comm.
(Attach Approval)

Fair Political Practices Comm.
(Include FPPC Approval Stamp)

Department of Finance
(Attach STD. Form 399)

7a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER

8/31/84

b. DATE OF ADOPTION OF REGULATION(S)

11/26/84

c. DATES OF AVAILABILITY OF MODIFIED
REGULATION(S) (GOV. CODE SEC. 11346.8(c))

N/A

8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR?

No

Yes

9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTIONS
ON REVERSE)

a. Effective 30th day after filing with the Secretary of State.

b. Effective on _____ as required by statutes: (list) _____

c. Effective on _____ (Designate effective date **earlier than** 30 days after filing with the Secretary
of State pursuant to Government Code Section 11346.2(d).)

Request Attached

d. Effective on _____ (Designate effective date **later than** 30 days after filing with the Secretary of
State.)

INSTRUCTIONS FOR STD 400 (OAL-4)

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(Attach additional sheets if necessary.)

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Part 4. Check appropriate box.

Part 5. Regulatory activity resulting from the agency's review of existing regulations should be submitted in a separate filing. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.

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- a. Fire and panic safety regulations (Gov. Code Sec. 11342.3).
- b. Building standards as defined in Section 18969 of the Health and Safety Code (Gov. Code Sec. 11343).
- c. Conflict of Interest regulations (Gov. Code Sec. 87300 et seq.).

Note: Regulations that have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts should be discussed with the Department of Finance. See Government Code Sections 11346.5(a) (6), 11349.1 and S.A.M. Sections 6050–6057.

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- c. If the regulations were modified subsequent to the hearing or written comment period, provide the date the modified regulations were made available to the public. Note that this date must be at least 15 days prior to the date indicated in (b.) above.

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- b. If an effective date other than (a.) is required by statute, provide the date and the statutory citation(s).
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- d. If an effective date later than (a.) is requested, provide the date.

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- A completed Face Sheet for Filing Regulations With the Office of Administrative Law, form STD 400 (OAL-4) attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Government Code Section 11347.3 for full list of rulemaking file contents and Appendix 13 of OAL Regulations Handbook for a rulemaking file checklist.)

CERTIFICATE OF COMPLIANCE - Section 11346.1(e), Government Code

The Department of Social Services hereby certifies that it has complied with the provisions of Sections 11346.4 through 11346.8 inclusive of the Government Code, within 120 days of the effective date of the following emergency regulations which were filed with the Secretary of State on August 31, 1984, and which became effective on September 1, 1984.

Section 44-207.41

No Amendments or repealers resulted from the public hearing held on October 17, 1984.



LINDA S. McMAHON

Director

Date

11/21/84

Amend Section 44-207.41 to read:

44-207 INCOME ELIGIBILITY (Continued)

44-207

.4 Treatment of Lump Sum Income (Continued)

.41 Definition of Lump Sum Income (Continued)

.411 Lump sum income is any income as defined in Chapter 44-100 received by the family which is not recurring regular income. Lump sum income is usually nonrecurring in regard to amount and/or source. Lump sum income includes but is not limited to the following: retroactive social insurance payments, state and federal income tax refunds, real estate commissions such as from sales, income from free-lance work, net proceeds from sale of a crop and bonuses.

- (a) When lump sum income is received by a stepparent living in the same household as the assistance unit but who is not included in the assistance unit as an applicant, recipient or essential person, the lump sum regulations (44-207.4) do not apply to that stepparent income.
- (1) Income of a stepparent who is not included in the assistance unit shall be considered available to the assistance unit after applying the stepparent computation in accordance with Section 44-133.6. If the countable income, including the lump sum, exceeds the assistance unit's needs for the month, the family would be ineligible for that month (see Section 44-315.6).
- (2) Any portion of the lump sum income retained by the stepparent subsequent to the month of receipt represents property (see Sections 42-203.5, 42-205.3, and 42-205.4).
- (b) When lump sum income is earned, apply the appropriate work-related disregards in accordance with Section 44-113.2. The resulting net nonexempt income is subject to the lump sum computation.

~~fb7(c)~~ When lump sum income is not earned the appropriate deductions described in Section 44-113.3 through .12 shall apply.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Section 11157 and Vaessen vs. Woods, 35 Cal 3d 749 (1984).

**FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW**

ENDORSED
APPROVED FOR FILING
AUG 31 1984

- Office of Administrative Law

LEAVE BLANK

1. ATTACHED ARE REGULATIONS ADOPTED,
AMENDED OR REPEALED BY:

ENDORSED FILED
IN THE OFFICE OF

DEPARTMENT OF SOCIAL SERVICES

(AGENCY)

BY:

Linda S. McAdam

(AGENCY OFFICER AUTHORIZED TO SUBMIT REGULATIONS)

AUG 31 4 13 PM 1984

MARCH FONG EU
SECRETARY OF STATE
OF CALIFORNIA

LEAVE BLANK

AGENCY CONTACT PERSON AND POSITION Dan Fleek, Regulations Analyst

TELEPHONE 445-0313

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

SECTIONS AMENDED

Title: DD 44-207.411

SECTIONS ADOPTED

SECTIONS REPEALED

3. TYPE OF ORDER (CHECK ONE)

Regular

Emergency
(Attach Finding of Emergency)

Certificate of Compliance

Other Regulatory Actions:

Procedural and Organizational
Change

Editorial Correction

Authority and Reference
Citation Change

4. IS THIS ORDER A RESUBMITTAL OF A PREVIOUSLY DISAPPROVED OR WITHDRAWN REGULATION?

No

Yes, if yes give date of previous filing _____

5. IS THIS FILING A RESULT OF THE AGENCY'S REVIEW OF EXISTING REGULATIONS?

No

Yes

6. IF THESE REGULATIONS REQUIRED PRIOR REVIEW AND APPROVAL BY ANY OF THE FOLLOWING AGENCIES,
CHECK THE APPROPRIATE BOX OR BOXES.

State Fire Marshal Building Standards Comm. Fair Political Practices Comm. Department of Finance
(Attach Approval) (Attach Approval) (Include FPPC Approval Stamp) (Attach STD. Form 399)

7a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER

N/A

b. DATE OF ADOPTION OF REGULATION(S)

August 24, 1984

c. DATES OF AVAILABILITY OF MODIFIED
REGULATION(S) (GOV. CODE SEC. 11346.8(c))

N/A

8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR?

No

Yes

9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTIONS
ON REVERSE)

a. Effective 30th day after filing with the Secretary of State.

b. Effective on Filing as required by statutes: (list) Government Code Section 11346

c. Effective on _____ (Designate effective date *earlier than* 30 days after filing with the Secretary
of State pursuant to Government Code Section 11346.2(d).)

Request Attached

d. Effective on _____ (Designate effective date *later than* 30 days after filing with the Secretary of
State.)

Amend Section 44-207.41 to read:

44-207 INCOME ELIGIBILITY (Continued)

44-207

.4 Treatment of Lump Sum Income (Continued)

.41 Definition of Lump Sum Income (Continued)

.411 Lump sum income is any income as defined in Chapter 44-100 received by the family which is not recurring regular income. Lump sum income is usually nonrecurring in regard to amount and/or source. Lump sum income includes but is not limited to the following: retroactive social insurance payments, state and federal income tax refunds, real estate commissions such as from sales, income from free-lance work, net proceeds from sale of a crop and bonuses.

- (a) When lump sum income is received by a stepparent living in the same household as the assistance unit but who is not included in the assistance unit as an applicant, recipient or essential person, the lump sum regulations (44-207.4) do not apply to that stepparent income.
- (1) Income of a stepparent who is not included in the assistance unit shall be considered available to the assistance unit after applying the stepparent computation in accordance with Section 44-133.6. If the countable income, including the lump sum, exceeds the assistance unit's needs for the month, the family would be ineligible for that month (see Section 44-315.6).
- (2) Any portion of the lump sum income retained by the stepparent subsequent to the month of receipt represents property (see Sections 42-203.5, 42-205.3, and 42-205.4).
- ~~(b)~~ When lump sum income is earned, apply the appropriate work-related disregards in accordance with Section 44-113.2. The resulting net nonexempt income is subject to the lump sum computation.

~~fb7(c)~~ When lump sum income is not earned the appropriate deductions described in Section 44-113.3 through .12 shall apply.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Section 11157 and Vaessen vs. Woods, 35 Cal 3d 749 (1984).

FACE SHEET
(OAL-4)

64-1928-1E
(See Instructions on Reverse)

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

ORD #1084-46

RECEIVED FOR FILING
DEC 28 9:56 AM '84

OFFICE OF
ADMINISTRATIVE LAW

ENDORSED
APPROVED FOR FILING
DEC 31 1984

Office of Administrative Law

LEAVE BLANK

AGENCY CONTACT PERSON AND POSITION TELEPHONE 5-0313/3-0883

Rick Torres, Regulations Analyst

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

SECTIONS AMENDED

Title: MPP 22-001.121 (a), (b), & (c); 22-001.7; 22-003.2 & .22; 22-023.11; & 63-804.631 & .632.

SECTIONS ADOPTED

22-023.111, .112, .113, .114, & .115; and 63-804.631 (b) & (c).

SECTIONS REPEALED

22-023.111 & .112.

3. TYPE OF ORDER (CHECK ONE)

Regular

Emergency
(Attach Finding of Emergency)

Certificate of Compliance

Other Regulatory Actions:

Procedural and Organizational Change

Editorial Correction

Authority and Reference
Citation Change

4. IS THIS ORDER A RESUBMITTAL OF A PREVIOUSLY DISAPPROVED OR WITHDRAWN REGULATION?

No

Yes, if yes give date of previous filing _____

5. IS THIS FILING A RESULT OF THE AGENCY'S REVIEW OF EXISTING REGULATIONS?

No

Yes

6. IF THESE REGULATIONS REQUIRED PRIOR REVIEW AND APPROVAL BY ANY OF THE FOLLOWING AGENCIES,
CHECK THE APPROPRIATE BOX OR BOXES.

State Fire Marshal
(Attach Approval)

Building Standards Comm.
(Attach Approval)

Fair Political Practices Comm.
(Include FPPC Approval Stamp)

Department of Finance
(Attach STD. Form 399)

7a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER

Not Applicable

b. DATE OF ADOPTION OF REGULATION(S)

December 24, 1984

c. DATES OF AVAILABILITY OF MODIFIED
REGULATION(S) (GOV. CODE SEC. 11346.8(c))

Not Applicable

8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR?

No

Yes

9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTIONS
ON REVERSE)

a. Effective 30th day after filing with the Secretary of State.

b. Effective on _____ as required by statutes: (list)

c. Effective on January 1, 1985 (Designate effective date **earlier than** 30 days after filing with the Secretary of State pursuant to Government Code Section 11346.2(d).)

Request Attached

d. Effective on _____ (Designate effective date **later than** 30 days after filing with the Secretary of State.)

FILED

In the office of the Secretary of State
of the State of California

DEC 31 1984

At 12:30 o'clock M.

MARCH PONG ELL, Secretary of State

By Virginia L. Brady
Deputy Secretary of State

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INSTRUCTIONS FOR STD 400 (OAL-4)

A completed Face Sheet for Filing Regulations With the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer authorized to submit regulations.

Part 1. Provide agency name and signature of the agency officer. Also provide the name and telephone number of the person who can answer questions regarding this regulatory filing.

Part 2. Provide the Administrative Code Title in which the regulation will appear and list each section number to be amended, adopted, or repealed.

(Attach additional sheets if necessary.)

Part 3. Check appropriate box. If other than a regular or emergency filing or certificate of compliance, check the appropriate box under "Other Regulatory Action." Note: Procedural and organizational changes, editorial corrections and authority and reference citation changes are reviewed and are subject to OAL approval.

Part 4. Check appropriate box.

Part 5. Regulatory activity resulting from the agency's review of existing regulations should be submitted in a separate filing. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.

Part 6. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:

- a. Fire and panic safety regulations (Gov. Code Sec. 11342.3).
- b. Building standards as defined in Section 18969 of the Health and Safety Code (Gov. Code Sec. 11343).
- c. Conflict of Interest regulations (Gov. Code Sec. 87300 et seq.).

Note: Regulations that have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts should be discussed with the Department of Finance. See Government Code Sections 11346.5(a) (6), 11349.1 and S.A.M. Sections 6050–6057.

Part 7. a. Provide the publication date of the Notice Register in which the initial notice regarding these regulations appeared.

b. Provide the date on which the regulatory agency adopted the regulation(s).

c. If the regulations were modified subsequent to the hearing or written comment period, provide the date the modified regulations were made available to the public. Note that this date must be at least 15 days prior to the date indicated in (b.) above.

Part 8. Check appropriate box. This information is for statistical purposes.

Part 9. Effective Dates—check one of the following:

- a. If regulations are to be effective 30 days after filing with the Secretary of State.
- b. If an effective date other than (a.) is required by statute, provide the date and the statutory citation(s).
- c. If a designated effective date is being requested, please include a letter specifying the date the regulation(s) should take effect and the reason for the earlier effective date. Requests are granted by OAL for good cause shown.
- d. If an effective date later than (a.) is requested, provide the date.

Filing Requirements

The following material must be submitted when filing regulations with OAL:

- Seven (7) copies of the regulations. Note: Use underline/strikeout to indicate changes in an existing section. Repeal of an entire section may be indicated by placing a diagonal slash through text. For adoption of new section, underscore is not required.
- A completed Face Sheet for Filing Regulations With the Office of Administrative Law, form STD 400 (OAL-4) attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Government Code Section 11347.3 for full list of rulemaking file contents and Appendix 13 of OAL Regulations Handbook for a rulemaking file checklist.)

Amend Section 22-001.121 to read:

22-001 DEFINITIONS (Continued)

22-001

.1 (Continued)

.12 Filing Date

.121 All written requests for hearings shall be date stamped by the agency on the day the request is received. Unless the evidence indicates otherwise, the filing date of the claimant's written request for a state hearing shall be determined as follows:

- (a) If the request is mailed to the Office of the Chief Referee or to the county welfare department, the postmark date of the envelope;
- (b) If the request is delivered by hand to the Office of the Chief Referee or to the county welfare department, the date stamped on the request for hearing;
- (c) If the date cannot be determined by the methods described above, two days before the request was stamped "received" by the Office of the Chief Referee or the county welfare department;

Amend Section 22-001.7 to read:

22-001 DEFINITIONS (Continued)

22-001

- .7 COUNTY - For purposes of this division, "county" generally refers to the county welfare department. The term "county welfare department" is used in Sections 22-001.12, 22-003 and 22-023 to mean the welfare department in the county in which the recipient resides or the county that has taken the action or inaction with which the recipient is dissatisfied. Any references to "county" however, may also refer to any agency

or contractor whose actions may be subject to a state hearing.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Sections 10553 and 10950.

Amend Section 22-003.2 and .22 to read:

22-003 RIGHT TO STATE HEARING (Continued)

22-003

- .2 A request for a state hearing may be either written or oral. A written request must concern county administered state aid programs shall be filed in the Office of the Chief Referee with the county welfare department, and for all other state aid programs, the request shall be filed with the State Department of Social Services in Sacramento. An All oral requests must shall be filed in person or by telephone or made to the State Department of Social Services in Sacramento. A toll-free number is available for this purpose. The Department of Social Services shall maintain a toll free number for the receipt of oral hearing requests. If the county has been authorized by the Chief Referee's Office to receive written or oral hearing requests in that county, the request may be filed with that county.

.21 (Continued)

- .22 When a written request for a state hearing is received by an authorized the county welfare department, a copy shall be forwarded to the Office of the Chief Referee in Sacramento no later than three(3) days after its receipt.

If the request for hearing concerns an action which is subject to the adequate notice provisions, a copy of the applicable notice shall be sent with the request.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Sections 10553 and 10950.

Amend Section 22-023.11, repeal and adopt Sections 22-023.111 and .112, and adopt Sections 22-023.113, .114, and .115 as shown:

22-023 COUNTY WELFARE AGENCY RESPONSIBILITY PRIOR TO THE 22-023 STATE HEARING

.1 Preliminary Review

- 11 Upon receipt of a request for hearing or notice that a recipient has filed a request for a state hearing the county shall provide aid pending the state hearing in accordance with Section 22-022, when entitlement exists. Such payment shall be made within five (5) working days of the receipt of the hearing request by the appropriate agency as specified in Section 22-003.2, or the date the regular scheduled aid payment would otherwise have been paid to the recipient, whichever is later. If aid pending the hearing is not appropriate under Section 22-022, the county may continue with its proposed action.
- 111 Within two working days determine whether the claimant is entitled to aid pending the state hearing in accordance with Section 22-022+ and
- 111 Unless the evidence indicates otherwise, the receipt date for purposes of providing (issuing) aid paid pending shall be determined as follows:
 - (a) The date the written request is received by the county welfare department for county administered aid programs or the date the request is received by the State Department of Social Services for all other state aid programs.
 - (b) The date the oral request is received by the State Department of Social Services in Sacramento.
- 112 Immediately authorize payment if the claimant is so entitled and has not voluntarily and knowingly waived aid pending the hearing. In no event shall the county delay action until an aid paid pending determination is made at the hearing. If aid pending the hearing is not appropriate under Section 22-022+ the county may continue with its proposed action.

- .112 The county welfare department shall compute the five (5) day time limitation for paying aid paid pending from the date:
- (a) A written request for a state hearing is received by the county welfare department.
- (b) The county welfare department is notified by the Office of the Chief Referee that it has received a written request for a state hearing.
- (c) An oral request for hearing is received by the State Department of Social Services in Sacramento.
- .113 Upon receipt of an oral hearing request, the State Department of Social Services shall, within one (1) working day of that receipt, notify the respective county that an oral hearing request has been filed and provide the county with sufficient information to provide aid paid pending when appropriate.
- .114 Misdirected Requests
- (a) In the event that a written hearing request is filed erroneously with the Office of the Chief Referee, rather than with the county welfare department, the State Department of Social Services shall forward such requests to the respective county.
- (b) For requests filed erroneously in a county in which the claimant does not reside, and in which the county welfare department has not taken any action or inaction with which the claimant is dissatisfied, these requests shall be forwarded to the State Department of Social Services. The State Department of Social Services shall forward such requests to the proper county as defined in Section 22-001.7.
- .115 For state aid programs not administered by the county welfare department, the Department shall issue aid paid pending, when entitlement exists, to a recipient within five (5) working days of the date a written or oral request for a state hearing is received by the State Department of Social Services.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: 45 CFR 205.10(a)(6) and (7); and Saldivar vs. McMahon

Renumber existing Section 63-804.63 to 804.631 and .632 and amend Sections 63-804.631 and .632 to read:

63-804 STATE HEARINGS (Continued)

63-804

.6 (Continued)

.63 Time Frames for Providing Continuation of Benefits

.631 The CWD shall provide continued benefits to any household entitled to such benefits within five (5) working days of following the date:

(a) The CWD receives a written notification request from SDSS of the household's request; or

(b) The CWD is notified by SDSS of the household's written request for a hearing; or

(c) SDSS receives the household's oral request for a hearing.

.632 Continued benefits shall not be provided to the household prior to the first regular issuance date that when the household's benefits would have been reduced or terminated, & whatever is later except for EWBs which have food intakes. EWBs with food intake shall provide continued benefits within these time frames from the date the household submits its written request to the EWB.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: 7 CFR 273.13(a)(3)(vi).